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Author's Note: This chapter emerged out of a series of conversations with the contributors to this project. I have long been interested in the rhetorical construction of the Asian/American subject, especially in the ways Asian/Americans have been constructed in legal discourse (usually to define their eligibility for citizenship and the attendant rights and responsibilities) as well as in broader cultural discourses that have often been used to define and enforce alien-status even if U.S. citizenship was a birthright. My goal in this chapter was to identify some useful terms and frames for analysis that might offer starting points for unpacking commonplaces that have continued to be invoked to do damage upon Asian/Americans and to see how these commonplaces may be disrupted to reimagine the Asian/American subject.

#### Discourses of Exclusion and the Potential of Asian/American Commonplaces

When the U.S. Supreme Court considered in 2019 whether including a question about citizenship status on the U.S. Census was constitutional or not, we were reminded of how the commonplace of citizenship reinforces beliefs about who should be included and excluded from the U.S. national body. The U.S. government presented the inclusion of the question as a way to identify “eligible voters – the citizen voting-age population – to help enforce protections for minority voters (including those who speak languages other than English) under the federal Voting Rights Act.”<sup>1</sup> The State of New York and other parties who objected to the question argued that its effect would be to discourage non-citizens (in particular, undocumented aliens) from completing the census out of fear their information would be used against them and to undercount people (citizens and non-citizens) which would affect political representation and allocation of resources. The court ultimately delivered an opinion that determined the

government's justification for inclusion of the question was "pretextual" and a violation of administrative procedure, and the question did not appear on the 2020 census form.<sup>2</sup> What remained unstated by the court but was obvious to many was that Secretary of Commerce, Wilbur Ross, intended to use the citizenship question to render non-citizens invisible, affecting communities of color and the undocumented disproportionately since they likely would be undercounted but continue to grow.<sup>3</sup> To be a citizen provides protection but perhaps only to those who meet some commonplace assumption about who is a citizen; not to be a citizen presents precarity as one may choose invisibility for safety or may be made invisible to deny representation and resources afforded to them even if not citizens by law. This became even more apparent during the COVID-19 pandemic when a public health crisis was used to reinforce beliefs about Asian/Americans<sup>4</sup> and perceived differences that rely on their racialization as Other and casting them as an existential threat to America. A rise in anti-Asian discourse and violence against people of Asian descent followed and it soon became clear that fear, hatred, and the dehumanization of Asian/Americans were being used as a rhetorical strategy within discourses of white supremacy to assert political power and maintain a culture built around white Christian nationalism.

Citizenship as a commonplace in U.S. national discourse has served as both promise and peril for people of Asian descent seeking to enter the U.S. polity. The promise was built on the belief that in contributing to the building of the nation—for example, in the literal building of the transcontinental railroad in the 1860s and the continued construction of railroads by Chinese laborers—people of Asian descent would demonstrate that they had the ethic and enterprise to become part of American society.<sup>5</sup> What they faced instead was peril: on one

front subjected to institutionalized racism when the U.S. government passed a series of immigration laws that initially targeted the Chinese specifically but then excluded more broadly people of Asian descent from immigrating to the U.S. or being naturalized as U.S. citizens;<sup>6</sup> and on another front, experiencing racial violence, perhaps most notably in what was called the Driving Out Time, when Chinese communities were driven out of towns, even massacred, across the western U.S.,<sup>7</sup> racial violence that became highly visible once more in the wake of anti-Asian discourse exacerbated by the COVID-19 pandemic.<sup>8</sup>

Thus, citizenship as a legal status with its protection of laws and rights and as a commonplace meant to provide a sense of belonging was often not available to immigrants of Asian descent. If we look at the many cases brought to the U.S. Supreme Court, Asian/Americans present arguments on terms that assume a democracy grounded in equality under the law and constitutional protections for citizens.<sup>9</sup> But in the late 19<sup>th</sup> and early 20<sup>th</sup> C., naturalized citizenship is not a possibility for people of Asian descent and U.S. legal discourse does not allow for terms of engagement to make claims of citizenship or its protections. The Naturalization Act of 1790 limited naturalized U.S. citizenship to “free white persons” and the Naturalization Act of 1870 extended eligibility for naturalization to “aliens of African nativity and to persons of African descent” but not to other non-white aliens.<sup>10</sup> The Burlingame Treaty of 1868 between the U.S. and China protected free emigration of Chinese to the U.S. but also barred naturalization of Chinese as U.S. citizens.<sup>11</sup> The [1875 Page Act](#) and the Chinese Exclusion Acts ([1882](#), [1892](#), 1902, [1904](#)) created bars to immigration for Chinese in certain categories such as laborers or unmarried women and established additional regulations for Chinese who were in the U.S. lawfully which made it difficult to travel to China and back for fear of not being

readmitted. The [1917 Immigration Act](#) created the Asiatic Barred Zone which excluded Asians more broadly and the 1924 Immigration Act established that aliens ineligible for naturalization were prohibited from immigration.<sup>12</sup>

In response to anti-Asian discourse during the Chinese Exclusion era and rising American nativism, Asian/Americans had to act both strategically and tactically—that is, to use appeals and arguments that would address different audiences, draw on different symbolic resources, and position speakers ethically *all simultaneously*--in order to make themselves both visible and invisible in the U.S. nation-state. That is, they had to develop arguments that would strategically engage the terms of citizenship as an appeal to a public that believed in democracy while also knowing full well that these arguments may not persuade U.S. institutions that had created legal barriers to their claims. They also had to operate in the shadows of democracy and to be tactical because institutions would not afford them the tools in which to make claims on the same terms that citizens, or those perceived as potential citizens, could make.

While the conditions for Asian/Americans may appear very different today than 100 or 150 years ago, there is a cultural discourse that still brings into question their status because racialization continues to mark Asian/Americans as less than full participants in U.S. culture, often reduced to archetypes of identity, or as Helen Zia has described these stereotypes in her history, *Asian American Dreams: The Emergence of an American People*, as “Gangsters, Gooks, Geishas, and Geeks.”<sup>13</sup> The expectations for making arguments by Asian/Americans on the same terms is called into question in some very basic ways when their citizenship, language, identity, and bodies are seen and assumed to be alien to the U.S. nation-state and legible only in specific ways, especially when constructed by legal and cultural discourses.

To develop arguments on their own terms, Asian/Americans transform the commonplaces that have regulated their existence in the U.S.—citizenship, language, identity, and the body—to reflect and engage the experiences that shape Asian/American life. How is life reimagined when commonplace references to physical difference (the Body), unintelligible gibberish (Language), unassimilability (Identity), and alien status (Citizenship), once invoked to do damage upon Asian/Americans, are no longer the controlling metaphors of Asian/American life and instead have the potential to become productive sites of rhetorical activity for Asian/Americans to assert agency, presence, and possible futures?

### **Discourses of Exclusion**

Before looking at one specific case to consider how commonplaces used to define and regulate Asian/Americans are transformed into Asian/American commonplaces, I briefly discuss some of the concepts that frame my work on Asian/American rhetoric more broadly and embodied commonplaces specifically. I draw on the description of Asian American rhetoric as a “rhetoric of becoming” that LuMing Mao and I offered in our edited collection, *Representations: Doing Asian American Rhetoric* (2008):

We define Asian American rhetoric as the systematic, effective use and development by Asian Americans of symbolic resources, including this new American language, in social, cultural, and political contexts. Because these contexts are regularly imbued with highly asymmetrical relations of power, such rhetoric creates a space for Asian Americans where they can resist social and economic injustice and reassert their discursive agency and authority in the dominant culture.<sup>14</sup>

However, rather than focus on what Asian American rhetoric is and does, here I consider the rhetorical conditions created by a long history of immigration exclusion that continues to enact violence against those labeled as alien Other which continues to today.<sup>15</sup> That is, what are the discourses of exclusion that fuel the conditions for anti-Asian and anti-immigrant rhetoric? How have the 19th C. Chinese Exclusion Acts continued to function as a U.S. cultural discourse to frame immigration not as a principle for all but as an existential threat to those who believe in American belonging for a few? How did restrictive immigration laws shape ideas about race and belonging? How did immigration requirements such as the Literacy Test established by the 1917 Immigration Act shape attitudes about language and citizenship?

Here are some working definitions of key terms under development:

- Discourses of Exclusion: Building on Michel Foucault's theory of discourse as a system of knowledge production and meaning<sup>16</sup> and David Sibley's concept of geographies of exclusion which analyzes space as a means of social control,<sup>17</sup> I want to consider how discourses of exclusion function as systems that exclude people discursively, spatially, and temporally. That is, how can systems or structures that produce ideas about people also enforce their exclusion? In this sense, these discourses naturalize beliefs about why someone or a group of people do not belong. These may be "official" or unofficial, but they circulate in our broader society in a way that gives these ideas and beliefs status and become difficult to challenge, especially if they are embedded in laws and policies that purport equality and fairness, or are deployed by those with real or assumed authority.
- Anti-Asian Rhetoric/Anti-Immigrant Rhetoric: If discourses of exclusion naturalize

ideas/beliefs about a group of people, how are these ideas/beliefs further deployed to make arguments against these groups? Discourses of exclusion provide the warrant—that is, the assumption or logic—that a claim and evidence rely upon to make arguments against these groups.

Sanchez, Stuckey, and Morris offer a useful concept, rhetorical exclusion, that illustrates a relationship between discourses of exclusions and anti-Asian rhetoric. They define rhetorical exclusion as

A rhetorical strategy that defines those who seek inclusion in the larger polity on their own terms as inherently destructive of that polity, questioning the motives of those who challenge governmental power, and a presumption that those involved in such challenges are inherently guilty of crimes against the polity.<sup>18</sup>

Rhetorical exclusion, then, acts to identify threats to the polity—for example, those who see non-whites as a threat to white supremacy—and create arguments that will justify action against these threats. That is, beyond simply arguing or making a claim against a group, anti-Asian/anti-immigrant rhetoric enacts discursive and/or physical violence because it is understood as a natural extension of the discourses of exclusion which accept force as a logical, even necessary, action to maintain a system of power over others who are seen as posing an existential threat. In his study, *Race, Nation, and Refuges: The Rhetoric of Race in Asian American. Citizenship Cases*, Doug Coulson has focused on racial eligibility discourse as a particular kind of rhetorical exclusion that relies on bureaucratic systems to deny access to citizenship specifically but also relies on recognizing the “function of enemies in the discursive practices of political group formation and how such appeals may prove more determinative

than legal doctrine and even foreshadow it.”<sup>19</sup>

Let me point to some examples of official U.S. discourse that function as discourses of exclusion to create systems and conditions that maintained white supremacy. While none of these policies or laws continue to exist in their original forms, they continue to inform current Discourses of Exclusion whether official or unofficial.

- Chinese Exclusion Acts (1882, 1892, 1902, 1904)

Limited Chinese immigration by class—meant to keep Chinese labor out; also made it difficult for women or families to immigrate; imposed restrictions/regulations on Chinese mobility

- 1917 and [1924](#) Immigration Acts—created a zone/region that excluded immigration from Asia and excluded those ineligible for naturalization
- [Executive Order 9066 \(1942\)](#)—authorized the relocation of people of Japanese ancestry from areas designated as military zones. The immigrant generation of Japanese had been barred from naturalization but were also seen as not loyal to the U.S. because they were not citizens or acculturated/assimilated.

In the first Chinese Exclusion Act passed in 1882, the U.S. established a blatant bar to Chinese labor. As Erika Lee argues, this was the development of a system of racial hierarchy in U.S. immigration policy that eventually shaped broader beliefs about immigrants through their racialization.<sup>20</sup> In the 1917 Immigration Act there is no qualification or exemption allowed in its establishment of the Asiatic Barred Zone which simply kept people from a certain geographic location from immigrating to the U.S. Executive Order 9066 was not simply an enactment of state power during a time of war but relied on existing immigration policy and the continued



racialization and exclusion that extended from other laws and policies. This executive order allowed the military to declare areas as military zones and to remove people seen as security threats, providing the warrant for the relocation of 120,000 people of Japanese ancestry into incarceration camps. People of Japanese ancestry who were immigrants to the U.S. during this period were barred from naturalization as citizens, but their lack of citizenship only raised suspicions of U.S. officials.

### **Asian/Americans and Commonplaces**

In each of the examples above, we see how beliefs about who Asian/Americans are and how they do not belong in the U.S. shape policies and laws that exclude, restrict, and regulate Asian/American bodies. In these laws and policies, we see the way commonplaces function in discourses of exclusion and anti-Asian rhetoric. Sharon Crowley's description of commonplaces helps us understand how and why beliefs about Asian/Americans circulate.

- "Commonplaces presuppose and encapsulate fairly extensive arguments that are not often uttered but that can be deduced and reconstructed."
- "Commonplaces are known to all who participate in the communal discourse in which they circulate, and because they are widely accepted, rhetors may use them as discursive sites from which to launch arguments that are not so likely to be met with general approval."
- "Commonplaces are part of the discursive machinery that hides the flow of difference, that firms up identity and sameness within a community."

- “To the extent that beliefs held in common are defining of community identity, awareness of disbelief can be troubling.”<sup>21</sup>

Within anti-Asian rhetoric, we see how commonplaces that construct Asian/Americans as outside of U.S. culture continue to exist and reinscribe the same ideas to make claims about Asian/Americans and/or immigrants across time and space.

However, Asian/Americans also engage in their own rhetorical activity and take up these commonplaces to develop their own arguments. Ralph Cintron’s theory of commonplaces or *topoi* as “storehouses of social energy” is useful here because it suggests that commonplaces may be transformed to imagine and create a range of possibilities by those who engage these topics on their own terms.<sup>22</sup> To explore how Asian/Americans develop and apply their own commonplaces, I want to consider the case of [U.S. v. Bhagat Singh Thind](#), one of the citizenship cases that reached the U.S. Supreme Court to challenge the restrictions on immigration established by the 1917 Immigration Acts and eligibility for naturalized citizenship as established by the [1870 Naturalization Act](#). I focus on this specific case because we see how the body, language, identity, and citizenship as commonplaces are contested, with the State invoking what it identifies as common or popularly understood meanings of terms, while the appellee, Thind, offers novel arguments that decenter the U.S. and challenge discourses of exclusion that rely on the logic of white supremacy. My discussion here is not meant to be a comprehensive legal analysis of the case, but rather a preliminary assessment of the commonplaces underlying the arguments made by both the U.S. and Thind which are in conflict with each other because of different conceptions of what it means to belong.<sup>23</sup>

{Fig. 1 here—half-page}

In January 1923, The U.S. Supreme Court heard arguments for the case, *United States v. Bhagat Singh Thind*, and rendered a decision on February 19, 1923. The appellee, Bhagat Singh Thind, had been granted a certificate of naturalization by a U.S. District Court in Oregon over the objection of the naturalization examiner of the U.S. for that jurisdiction. Based on the 1917 Immigration Act which established an “Asiatic Barred Zone” that restricted immigration, and the Naturalization Act of 1870, the U.S. argued that Thind was ineligible for U.S. citizenship on the basis that he did not meet the requirements as a “free white person” or “persons of African nativity” or “persons of African descent,” though he had immigrated to the U.S. legally in 1913 before Asian immigration was barred and had also served in the U.S. Army during World War I.

{Fig. 2 here—half-page}

The two questions before the court were:

1. Is a high caste Hindu of full Indian blood, born at Amrit Sar, Punjab, India, a white person within the meaning of section 2169, Revised Statutes?
2. Does the act of February 5, 1917 disqualify from naturalization as citizens those Hindus, now barred by that act, who had lawfully entered the United States prior to the passage of said act?<sup>24</sup>

In unpacking the logic of the answers to these questions by the U.S. Supreme Court, I consider how it relies on the body, language, identity, and citizenship as commonplaces to render its decision. In the arguments for the appellee, Thind, the rhetorical strategy was to call into question the meaning of several terms on the basis of historical and anthropological usage. Thind who was south Asian, or a “high caste Hindu of full Indian blood” as identified by the Court despite his religious identification as a Sikh, argued that he was indeed Caucasian (to

identify a historical geographic origin) and Aryan (to identify an Indo-European linguistic origin). By asserting the relationship between the terms Caucasian and Aryan to the use of “white persons” in U.S. legal discourse, Thind, on one hand, claimed whiteness, while on the other hand, challenged the way whiteness was constructed in the U.S. For Thind, the body of a “white person” was in dispute and he asserted that his own body could be reimagined as white for the purposes of naturalization. In this way he also challenged the way language was deployed in U.S. legal discourse since the meanings of terms seemed on the surface to be fixed—i.e., Thind could argue that he was indeed “white” if the meanings of “white,” “Caucasian,” and “Aryan” remained stable—and not flexible that would allow the government to set their own terms that might resist a common understanding. Thind’s sense of identity also allowed him to reimagine himself in ways that existed outside U.S. racial ideology; that is, his identification as an American—remember, he had been in the U.S. since 1913 and had served in the U.S. Army—provided him with an understanding that he met the requirements of citizenship, even under the restrictions posed by the 1917 Immigration Act that in addition to barring people from Asia also imposed a literacy test and kept out those deemed to be unfit in mind and body. If Thind could imagine himself as white, had the desirable qualities such as education and fitness as a worker, then he could reimagine citizenship. However, Vivek Bald challenges this strategy in his essay, “What Is National Belonging in a Nation that Doesn’t Belong?” Drawing on an essay, “The Clash of Colour: Indians and American Negroes,” by W.E.B. DuBois, Bald describes the deeply troubling nature of a race-based claim to status and belonging – one that Thind and other Indian immigrants” because it relies on an appeal to whiteness and the continued dehumanization of people of African descent.<sup>25</sup>

However, the warrant for the Supreme Court decision is based in the existence of laws that exclude bodies on the basis of national origin and racial classification. While referencing an evolving understanding of scientific racial classification, from the 18<sup>th</sup> C. Blumenbach system that identified five racial categories—Caucasian, Mongolian, Ethiopian, Malay, and American Indian—to Augustus Henry Keane’s *Man: Past and Present*, the Court ends up relying on what it describes as a “common” understanding of the meaning of “white persons.”<sup>26</sup> For the court, the meaning of words and terms exists in the present, and even if they believed there was a historical relationship between the terms “Caucasian,” “Aryan,” and “white persons,” that understanding would not be commonly accepted in the early 20<sup>th</sup> C. in the U.S. Additionally, the Court asserted that the statute referred specifically to “white persons” and thus it would be impermissible to consider those who would argue they were white by some other identification when that would not be commonly accepted.<sup>27</sup> This assertion is notable since it appears to contradict what the court ruled in the case of [Ozawa v. United States](#) (November 1922) where it determined that “white person” was synonymous with “Caucasian,” a racial category, in order to deny the physical appearance of white skin tone as eligibility for naturalization. That is, the court found Ozawa, despite his claim as a “white person” based on skin tone, to be of the Japanese race (or “Mongolian”) rather than a Caucasian.<sup>28</sup> Within just a few months, the court shifted its understanding of terms, first identifying “white person” and “Caucasian” as synonymous to deny Ozawa’s claim to be white, and then decoupling “white person” from “Caucasian” to deny Thind’s claim to be “Caucasian.”

In the end, the Court could not reconcile what they saw as the unassimilability of those who were not “white persons” and could not accept them as potential citizens:

It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origins. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely clear evidence of their ancestry.<sup>29</sup>

Additionally, the Court ruled that since the 1917 Immigration Act barred immigration from Asia that it was “persuasive of a similar attitude toward Asiatic naturalization as well, since it is not likely that Congress would be willing to accept as citizens a class of persons whom it rejects as immigrants.”<sup>30</sup> The 1924 Immigration Act codified this ruling and explicitly declared that aliens ineligible for immigration were also ineligible for naturalization as citizens.

In considering this example, what do we learn about the discourses of exclusion and the generation of Asian American commonplaces? While white supremacist ideology prevailed in this case under the guise of enforcing immigration statutes, we also see the innovative rhetorical strategies of an Asian/American who sought to make both strategic claims by bringing his case all the way to the U.S. Supreme Court and forcing the issue to be adjudicated within U.S. legal discourse and tactical claims by decentering U.S. racial ideology through contesting the meaning of words, reimagining identity, and arguing for the legitimacy of his body in the context of the U.S. While Thind’s case was not successful at the time, ultimately the [Luce-Celler Act of 1946](#) permitted immigration from India and the Philippines (though still limited by quotas) and naturalization as U.S. citizens. However, it was the [Hart-Celler Act of](#)

[1965](#) that resulted in comprehensive immigration reform and removed any restrictions on the basis of national origins which targeted Asians as well as Southern and Eastern Europeans during the early 20<sup>th</sup> C. Despite these reforms, discourses of exclusion and anti-Asian rhetoric remain and have been especially violent in the 21<sup>st</sup> C. as white supremacy continues to stoke resentment, sow divisions, and seek to claim power in ways that present an existential crisis to the very best ideals of the U.S. and liberal democracy. Perhaps it is in transforming the commonplaces that structure Asian/American experiences that will allow the reimagining of who Asian/Americans are and what they can achieve.

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<sup>1</sup> D’Vera Cohn, “What to Know About the Citizenship Question the Census Bureau is Planning to Ask in 2020,” Pew Research Center, March 30, 2018, <https://pewrsr.ch/2GnvFp2>.

<sup>2</sup> The [majority opinion](#) determined that the reason offered by the U.S. Secretary of Commerce, Wilbur Ross, was “pretextual” (Department of Commerce, et al v State of New York, et al No. 18-966). That is, Ross was not responding to a request by the Department of Justice for inclusion of a citizenship question to address enforcement of the Voting Rights Act but in fact had acted to include a citizenship question on his own accord and only later asked the DOJ to request the inclusion of the question. However, this opinion did not decide whether a citizenship question was permissible, only that administrative procedure was not properly followed. In other parts of the opinion that were not dispositive, there was a majority that would have permitted the citizenship question if administrative procedure had been followed. For a summary, see Amy Howe, “Opinion analysis: Court orders do-over on citizenship question in census case,” *Scotusblog* (blog), June 27, 2019, <https://www.scotusblog.com/2019/06/opinion-analysis-court-orders-do-over-on-citizenship-question-in-census-case/>

<sup>3</sup> For an analysis, see Juan Cartagena, “Census Symposium: Roberts Court Stops the Census Citizenship Question...For Now” *Scotusblog* (blog), June 28, 2019, <https://www.scotusblog.com/2019/06/symposium-roberts-court-stops-the-census-citizenship-question-for-now/>

<sup>4</sup> Drawing from David Palumbo-Liu, *Asian/American: Historical Crossings of a Racial Frontier* (Stanford: Stanford University Press, 1999), I use Asian/American in order to both distinguish between Asian and American and acknowledge “the nature and national identity at once less stable and more dynamic” (3). As Terese Guinsatao Monberg and Morris Young have described in their Introduction to “Beyond Representation: Spatial, Temporal and Embodied Trans/Formations of Asian/Asian American Rhetoric,” in *enculturation: a journal of rhetoric, writing, and culture* 27 (December 2018), <https://www.enculturation.net/27>, use of the *solidus* or slash “acts as both border and bridge and perhaps provides both a textual and graphic representation of movement, relationships and a reaching across and beyond—beyond the nation-state [and] beyond the mere representation of Asian American rhetorical legacies in the discipline.” In the context of U.S.-based white supremacy, Asian/American acts to make visible the racialization of people of Asian descent regardless of national identification.

<sup>5</sup> See Shelley Fisher Fishkin, “Chapter 17. The Chinese as Railroad Builders after Promontory,” in *The Chinese and the Iron Road: Building the Transcontinental Railroad*, ed. Gordon H. Chang and Shelley Fisher Fishkin (Stanford: Stanford University Press, 2019), 277–93.

<sup>6</sup> Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, (1882-1943)* (Chapel Hill, NC: University of North Carolina Press, 2003), 7-10, 24, 30-31.

<sup>7</sup> Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge, MA: Harvard University Press, 2018), 1-13; and Helen Zia, *Asian American Dreams: the Emergence of an American People* (New York: Farrar, Straus, and Giroux, 2001), 27-28.

<sup>8</sup> Stop AAPI Hate, "Righting Wrongs: How Civil Rights Can Protect Asian Americans and Pacific Islanders Against Racism," *Stop AAPI Hate* (website), May 2023, <https://stopaapihate.org/wp-content/uploads/2023/05/23-SAH-CivilRightsReport-1.pdf>.

<sup>9</sup> Hyung-chan Kim, ed., *Asian Americans and the Supreme Court: a Documentary History* (New York: Greenwood Press, 1992), xiv.

<sup>10</sup> Doug Coulson, *Race, Nation, and Refuge: the Rhetoric of Race in Asian American Citizenship Cases* (Albany: State University of New York Press, 2017), xi.

<sup>11</sup> Kim, *A Legal History of Asian Americans, 1790-1990* (Westport: Greenwood Press, 1994), 52.

<sup>12</sup> Kim, *Legal History of Asian Americans*, 52, 104-105, 113-114.

<sup>13</sup> Zia, *Asian American Dreams*, 109-35.

<sup>14</sup> LuMing Mao and Morris Young, "Introduction: Performing Asian American Rhetoric into the American Imaginary," in *Representations: Doing Asian American Rhetoric*, ed. LuMing Mao and Morris Young (Logan: Utah State University Press, 2008), 3.

<sup>15</sup> In his essay, "Where Does Trump's Invasion Rhetoric Come From?" Ben Zimmer traces the roots of anti-immigrant rhetoric deployed by Donald Trump to the anti-Asian rhetoric utilized in the late 19<sup>th</sup> C. Zimmer's essay appears in August 2019, months before the COVID-19 pandemic would take over the world but it anticipates the anti-Asian rhetoric and violence that would follow, especially when Trump used his political platform as U.S. President to identify China as the source of the "Chinese flu" or "Kung-flu," see Zimmer, "Where Does Trump's 'Invasion' Rhetoric Come From?" *The Atlantic*, August 6, 2019, <https://www.theatlantic.com/entertainment/archive/2019/08/trump-immigrant-invasion-language-origins/595579/>

<sup>16</sup> Foucault, *The Archaeology of Knowledge; and, the Discourse on Language* (New York: Pantheon, 1982), 135-40.

<sup>17</sup> David Sibley, *Geographies of Exclusion: Society and Difference in the West* (London; New York: Routledge, 1995), 81-86.

<sup>18</sup> J. Sanchez, M. Stuckey, and R. Morris. "Rhetorical Exclusion: The Government's Case Against Indian Activists, AIM, and Leonard Peltier," *American Indian Culture and Research Journal* 23, no. 2 (1999): 28.

<sup>19</sup> Coulson, *Race, Nation, and Refuge*, xxiv.

<sup>20</sup> Lee, *At America's Gates*, 24-25.

<sup>21</sup> Sharon Crowley, *Toward a Civil Discourse: Rhetoric and Fundamentalism* (Pittsburgh: University of Pittsburgh Press, 2006), 70-74.

<sup>22</sup> Cintron, "Democracy and Its Limitations," in *The Public Work of Rhetoric: Citizen Scholars and Civic Engagement*, ed. John M. Ackerman and David J. Coogan (Columbia: University of South Carolina Press, 2010), 102.

<sup>23</sup> For nuanced discussions of U.S. v. Bhagat Singh Thind, I recommend Coulson's *Race, Nation, and Refuge*; Ian Haney López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 2006); and Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014).

<sup>24</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 206-207 (1923).

<sup>25</sup> Bald, "What is National Belonging in a Nation that Doesn't Belong?" *South Asian Review* 43, nos. 1-2 (2022): 157.

<sup>26</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 214-215.

<sup>27</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 214-215.

<sup>28</sup> López, *White by Law*, 59-60.

<sup>29</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 215.

<sup>30</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 215.