



Who Was Wong Kim Ark?

Activity

Inquiry Question

Why did the Supreme Court rule the way it did in *United States v. Wong Kim Ark*, and what was the impact of the case on citizenship?

Describe the U.S. Supreme Court's ruling in the Wong Kim Ark case, explaining its long-term impact on citizenship in the United States.

Clarifying Questions

- Who was Wong Kim Ark?
- Why did he bring a case against the U.S. government?
- How does a Supreme Court ruling affect the nation's laws and procedures (ie, citizenship, in this case)?

Vocabulary

- ***United States v. Wong Kim Ark***: a landmark U.S. Supreme Court decision stating that a person born in the U.S. is a U.S. citizen on the basis of the Fourteenth Amendment, even if that person was born to foreign parents who are ineligible for citizenship.
- **birthright citizenship**: the automatic right to citizenship of a child born on U.S. soil; it is a form of *jus soli* ("law of the soil") citizenship.
- **Fourteenth Amendment**: an 1868 amendment to the U.S. Constitution that expanded citizenship to all persons born on U.S. soil with the goal of extending national rights to citizens regardless of their race.
- **Chinese exclusion**: the legal prohibition on the immigration of Chinese laborers to the U.S. during 1882–1943.

Background Information

The 1898 U.S. Supreme Court case *United States v. Wong Kim Ark* considered whether a child born in the United States was a U.S. citizen if the child's parents were not citizens. Wong Kim Ark was born in San Francisco in 1873 to parents who were Chinese immigrants and ineligible for U.S. citizenship. In 1890 and 1894–1895, Wong Kim Ark visited China. Upon returning from his 1890 visit, he was allowed to enter the U.S. However, upon his 1895 return, he was denied entry to the country under the Chinese Exclusion Act (1882), which barred almost all Chinese immigration to the U.S., by customs officials who said that he was not a U.S. citizen because his parents had not been citizens.

Wong Kim Ark sued for his release, arguing that he was, in fact, a U.S. citizen. The lower courts ruled in favor of Wong Kim Ark, but the government appealed the ruling to the Supreme Court. The government argued before the Court that citizenship was national rather than territorial. Under this argument, children born in the U.S. to noncitizens could not be U.S. citizens, while children of U.S. citizens were citizens themselves whether they were born in the U.S. or abroad. On March 28, 1898, the Supreme Court ruled 6–2 in Wong Kim Ark's favor, definitively answering the question of whether citizenship was a birthright in the U.S.

Biography

Author: William B. Noseworthy, assistant professor of history

Description: This reference article provides a biography of Wong Kim Ark, the Chinese American man at the center of the U.S. Supreme Court case *United States v. Wong Kim Ark* (1898).

Context and Things to Consider:

- Who was Wong Kim Ark—where did he come from, and who were his parents?
- Why was Wong Kim Ark barred from reentering the U.S. after a visit to China?
- What was Wong Kim Ark's argument in *United States v. Wong Kim Ark*? What was the government's argument?
- What did the Supreme Court's ruling in *United States v. Wong Kim Ark* establish? Why is the ruling important?

Wong Kim Ark

Wong Kim Ark was a Chinese American whose case, *United States v. Wong Kim Ark* (1898), was a landmark Supreme Court decision stating that a person born in the United States is a U.S. citizen, even if that person was born to foreign parents who are ineligible for citizenship. In this case, the Court ruled that it did not matter that Wong Kim Ark's parents were excluded from citizenship due to their Chinese nationality. According to the Court's decision, as long as a child is born on U.S. soil, they are a citizen, and citizenship cannot be defined by the race or nationality of their parents.



Early Life and Travels

Wong Kim Ark was born to Chinese parents in San Francisco in 1873. His parents were legal residents of the U.S., but they were barred from becoming U.S. citizens under the 1802 Naturalization Law because they were Chinese. Wong Kim Ark lived in San Francisco, where he worked as a cook.

Wong Kim Ark's parents returned to China in 1890. He followed them to China later in 1890 and returned to San Francisco on July 26, 1890. Timothy Phelps, the customs collector at the Port of San Francisco, allowed Wong Kim Ark to enter the U.S. as a citizen. Having successfully returned to the U.S. as a citizen in 1890, Wong Kim Ark left the U.S. again in 1894 to visit China. When he returned in August 1895, an anti-Chinese customs collector, John H. Wise, claimed Wong Kim Ark was not a citizen and the Chinese Exclusion Act (1882) barred him from entering the U.S.

Legal Challenge

Wong Kim Ark hired Thomas Riordon, a prominent attorney, to handle his case. They argued that Wong Kim Ark was indeed a citizen under the terms of the Fourteenth Amendment—which states that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside"—because he was born in San Francisco.

By all established legal precedents, *Wong Kim Ark* should have been an open and shut case, but legal criteria cannot account for shifts in popular opinion and political pressure. At the time, anti-Chinese sentiment was widespread. The Chinese Exclusion Act (1882), which barred most Chinese from entering the U.S., had just been extended in 1892 with the help of anti-Chinese labor unions. In this atmosphere, the government challenged the idea that someone of Chinese descent could be a U.S. citizen.

U.S. District Attorney Henry S. Foot argued that someone born to Chinese parents in the U.S. should be ruled a subject of China, not a U.S. citizen. Foot argued that the birthright citizenship enshrined in the U.S. Constitution was intended to exclude Chinese and that including them would threaten the "very existence of our Country." Foot lost his argument, but San Francisco lawyer George D. Collins led the appeal to the Supreme Court in 1898. He argued that citizenship was based on the nationality of one's parents, and

therefore Wong Kim Ark was not a U.S. citizen because his parents were Chinese nationals.

The Ruling

The issue facing the Court was the nature of birthright. Wong Kim Ark argued the concept of birthright was territorial, which meant anyone born on U.S. soil received birthright citizenship. However, the opposition contended birthright was national, and therefore the children of a U.S. citizen could become U.S. citizens, even when born abroad, but the children of Chinese parents were to be considered Chinese, even if they were not born in China. In other words, the Court had to determine whether citizenship was determined by soil (*jus soli*) or by blood (*jus sanguinis*)?

The Court ruled 6–2 in Wong Kim Ark's favor. Justice Horace Grey's majority opinion in the case cited, in part, common law (that is, English law based on custom and legal precedent rather than laws and statutes). The U.S. Constitution drew on English common law, and it had served as precedent for U.S. law. Under English common law, persons born on the king's land were the subject of the king unless their parents were enemy occupiers or foreign ambassadors representing another nation. Grey noted that the Constitution did not contradict this aspect of common law, thus supporting the argument for birthright citizenship, and the Fourteenth Amendment did not alter that. Thus, according to the Court, citizenship was determined by soil, meaning where someone was born, rather than blood, meaning the nationality of their parents.

The ruling in *Wong Kim Ark* was a critical landmark, indicating that exclusion of individuals from U.S. citizenship based on their race was not a principle that could be upheld by the highest court in the land if the individual had been born on U.S. soil.

With his citizenship established, Wong Kim Ark was later able to bring three of his sons to the U.S. from China.

William B. Noseworthy

Author: U.S. Congress

Description: The citizenship clause of the Fourteenth Amendment addresses the nature of what it means to be a U.S. citizen.

Date: introduced in 1866, ratified in 1868

Context and Things to Consider:

- What was the purpose of the Fourteenth Amendment? What were the circumstances of its passage?
- Who does the Fourteenth Amendment say qualifies for U.S. citizenship?
- How did the Fourteenth Amendment impact the status of citizenship in the U.S.?

Citizenship Clause of the Fourteenth Amendment

Ratified in 1868, the Fourteenth Amendment to the U.S. Constitution expanded citizenship to all persons born on U.S. soil with the goal of extending national rights to citizens regardless of their race. It was the second of three so-called Reconstruction Amendments passed in the wake of the Civil War to address issues of antebellum and reconstruction America, including the nature of citizenship, the ability of states to define and categorize their voters, and the impact of the war on the people and their debts. There are five sections to the Fourteenth Amendment; Section 1 of the amendment addresses citizenship.

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. Constitution. amend. XIV. sec. 1.

MLA Citation

"U.S. v. *Wong Kim Ark*: Confirming U.S. Citizenship As a Birthright Activity: Who Was Wong Kim Ark?" *ABC-CLIO Solutions*, ABC-CLIO, 2022, steducatorsupport.abc-clio.com/Support/InvestigateActivity/2280600. Accessed 9 May 2022.

COPYRIGHT 2022 ABC-CLIO, LLC

<https://steducatorsupport.abc-clio.com/Content/StudentActivity/2280600>

Who Was Wong Kim Ark?

Collect and Organize Information

Inquiry Question

Describe the U.S. Supreme Court's ruling in the Wong Kim Ark case, explaining its long-term impact on citizenship in the United States.

Wong Kim Ark's Argument	The Government's Argument
<p>What does the Fourteenth Amendment state?</p>	
<p>What reasons did the Supreme Court give for ruling in Wong Kim Ark's favor?</p>	
<p>What impact did <i>United States v. Wong Kim Ark</i> have on citizenship?</p>	

Name _____

Class _____

Inquiry Question

Why did the Supreme Court rule the way it did in *United States v. Wong Kim Ark*, and what was the impact of the case on citizenship?

Response
