



美洲同源總會

Chinese American Citizens Alliance

~ National ~

1044 Stockton Street, San Francisco, California 94108 • Telephone/Fax (415)829-9332

National Lodge
ESTABLISHED 1895

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United States v. Wong Kim Ark, Impact After 120 Years



Photo credit: National Archives

San Francisco, April 2, 2018 — The Chinese were subjects of the first and only major U.S. federal legislation to explicitly suspend immigration of a specific race or ethnicity. Therefore, it is ironic that a landmark U.S. Supreme Court decision 120 years ago involving a case against a respondent of Chinese ethnicity would affirm the Citizenship Clause in the Fourteenth Amendment to the United States Constitution, that a child born in the United States to parents of Chinese descent automatically becomes a U.S. citizen by birth. The case of *United States v. Wong Kim Ark* helped to settle a longstanding legal challenge over the precise meaning of one phrase in the Citizenship Clause—namely, the provision that a person born in the United States who is subject to the jurisdiction thereof acquires automatic citizenship.

“The simplicity of the statement is clear,” says Ted Gong, vice president of Civic and Public Affairs for The National Lodge of the Chinese American Citizens Alliance (C.A.C.A.). “Regardless of social background, race or parents’ immigration status, birthright citizenship was firmly established. It became an article of faith, unquestioned throughout all debates over immigration reform and policies until the current debate.”

Wong Kim Ark was a Chinese American born in San Francisco in 1873. In August 1895, Mr. Wong was returning home to San Francisco following a trip to China to see his parents, when he was refused re-



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entry to America, based on the Chinese Exclusion Act of 1882, the federal law restricting Chinese immigration and prohibiting immigrants from China from becoming naturalized U.S. citizens. Mr. Wong challenged his detention by the government with the legal support from the Chinese Six Companies (later known as the Chinese Consolidated Benevolent Association) and fought his case all the way to the U.S. Supreme Court.

On March 28, 1898, the Supreme Court in a 6-2 decision affirmed Mr. Wong's right, which established an important precedent in the interpretation of the Citizenship Clause of the Fourteenth Amendment: "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."

This was a legal victory for Wong Kim Ark, but anti-Chinese sentiment enforced by federal legislation continued to impose hardships on Chinese living in the United States. with racist immigration laws remaining in force until 1943. Mr. Wong eventually went to live in China and never returned to the U.S. He died some time shortly after the end of World War II.

The National Lodge of the Chinese American Citizens Alliance (C.A.C.A.) observes the anniversary of this landmark Supreme Court case and recognizes its significance in American history. C.A.C.A. National also expresses concerns over calls to end birthright citizenship as part of the current presidential administration's immigration plan.

Aside from legal importance of the *Wong Kim Ark* case, Ted Gong maintains there is a far stronger fundamental principle that resonates: if you are born in the United States, you are considered equal to everyone else. "This sense of equality and self-worth strengthened the nation historically and it maintains our country's founding principle that individuals can only be held back from their God-given potential by the level of their effort. Other countries do not have birthright citizenship, but it is this concept that makes America exceptional."

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Web: www.CACAnational.org
Chinese American Citizens Alliance

The Chinese American Citizens Alliance, established in 1895, is among the oldest civil rights organizations in the United States. Headquartered in San Francisco with chapter/lodges in Albuquerque (NM), Boston (MA), Chicago (IL), Greater San Gabriel Valley (CA), Greater New York (NY), Houston (TX), Las Vegas (NV), Los Angeles (CA), Mississippi, Oakland (CA), Peninsula (CA), Portland (OR), Phoenix (AZ), Salinas (CA), San Antonio (TX), San Francisco (CA), Seattle (WA) and Washington, D.C., the Alliance addresses issues regarding voter education, political participation, racial discrimination and hate crimes, and supports youth leadership training programs and equal employment opportunities for all Chinese Americans.