

The 14th Amendment: Citizenship and U.S. v. Wong Kim Ark

The Fourteenth Amendment, ratified in 1868, granted citizenship to “all persons born or naturalized in the United States” which included former slaves who had just been freed after the Civil War. The Chinese Exclusion Act, which blocked nearly all immigration from China, was enacted in 1882.

Wong Kim Ark was born in San Francisco, in 1873 to Chinese parents who never obtained United States citizenship and returned to China in 1890. Wong travelled to China to visit his parents on two separate occasions. In 1890, Wong was allowed to return based on his status as a native-born citizen. Four years later however, he was denied reentry on the grounds that he was not a U.S. citizen. Wong Kim Ark sued to reenter the country and the district court found that he was a citizen and therefore exempt from the Exclusion Act. The U.S. government appealed the district court ruling directly to the United States Supreme Court.

In **U.S. v. Wong Kim Ark**, the Court was asked to determine whether Wong’s birth in San Francisco to parents, who were not citizens of the United States, was enough to make him a citizen. Citing the 14th Amendment in its 6-2 decision, the Court held that a child born in the United States to parents of foreign decent is a citizen unless the parents are foreign diplomats, or the child was born to parents who are nationals of an enemy nation that is engaged in a hostile occupation of U.S. lands. Wong Kim Ark was then allowed reentry into the United States.

Look through the newspaper, print or online, for articles involving questions of citizenship and immigration. Select one and discuss how the issue might be decided based on the citizenship clause of the Fourteenth Amendment.

The 14th Amendment was crafted to help bring together a divided nation after the Civil War. Subsequent rulings citing its key clauses including citizenship, due process and equal protection continue to transform our American democracy.

Perhaps one day we will fully realize the promised protections of the 14th Amendment as described by Justice Harlan’s dissent in the *Plessy v. Ferguson* case, “... which established universal freedom, gave citizenship to all born or naturalized in the United States and residing here, obliterated the race line from our systems of governments, national and state, and placed our free institutions upon the broad and sure foundation of the equality of all men before the law...”



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