

**A Turning Point in History:
Citizenship, the 14th Amendment, and Justice**

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Junior Division

Historical Paper

Historical Paper: 1966 words

Process Paper: 461 words

Process Paper

When I read the title of this competition, “A Turning Point in History”, many ideas started popping up in my head. I understood that a turning point had to be something of great significance.

I chose the Supreme Court Case of United States v. Wong Kim Ark because of its profound impact on the people who built up America. This paramount court case was critical for the nation and all of the immigrants who call this country home. The importance of this case, rooted in the reaffirmation of the 14th Amendment, which secured citizenship for the next generation of newly settled families, including my own, sparked my interest. My personal connection to this case, as my own parents are immigrants, made exploring it like looking into how my life in the United States was possible. Considering America’s role as a melting pot that continues to attract talents from all over the world, and how crucial this case was in reshaping the nation's immigration system and ensuring the protection of millions, I chose the case of United States v. Wong Kim Ark as my pivotal turning point in history.

I started my research by reading through online articles about Wong Kim Ark, the person involved in this case, his life, and the events that led up to this ruling. I also listened to a podcast that helped develop my understanding of how citizenship is obtained in the United States. Much of the broader, background information came from National Geographic, HISTORY, Smithsonian Magazine, and National Public Radio. Many of the details came from sources like Justia, a law database, the Duke University Press, and Stanford Libraries. All of these helped me gain a new perspective on this topic as well as characteristics that would support my argument.

I chose to write a paper because writing has always been my favorite form of expression. It is my best way of communicating my thoughts, as writing unlocks the best version of myself. I

created my paper by starting with a brief outline of where all the parts of my argumentative essay would go. I crafted my thesis, gathered evidence, and started writing. I hope my final paper can shed light on a lesser-known part of history that should be recognized for its significance.

My researched case relates to this year's National History Day theme of turning points in history, because it established the principle of birthright citizenship, ensuring that anyone born on American soil is granted citizenship regardless of their parentage. This foundational principle not only redefined American jurisprudence but also set the path straight of inclusivity and equality. Ultimately, this case represents a milestone in the ongoing struggle for civil rights and equality, leaving a legacy that continues to shape our nation's legal framework.

Historical Paper

I. Introduction

Liberty, equality, and democracy — these three core values have been the foundation of the United States ever since the country gained independence from Great Britain. Such distinctive principles serve as a beacon, attracting a wide variety of talented and skillful people, making America one of the most diverse countries in the world (Jones et. al). To protect what the United States was built on, the founding fathers made it clear in the Declaration of Independence that “all men are created equal” (National Archives).

However, even as straightforward as this principle was, numerous different ethnic minorities have been systematically excluded from these protections and denied equal treatment. Throughout the country’s history, there have been various periods of prejudice towards African Americans (Holtz), Irish (Lee and Casey), Italian (Gauthreaux), and Chinese immigrants (Chen).

One instance of this involves the case of Wong Kim Ark, a second-generation Chinese immigrant who was denied entry into the United States. This was based on the false claim that he was not an American citizen, despite being born on American soil (“United States v. Wong Kim Ark”). Wong would fight for his citizenship in the Supreme Court, winning his case during a period of anti-Chinese sentiment at an all-time high (Martinez). This court’s ruling would serve as a turning point for American jurisprudence, with its profound impact guaranteeing equal legal protection and justice for people of all backgrounds, ensuring the United States remains a true beacon of liberty, equality, and justice for all.

II. The Case

Wong Kim Ark, born in 1873 in San Francisco's Chinatown to immigrant parents, would face a constant stream of adversities, as the same year Wong was born, a severe financial downturn in the years following the Panic of 1873 soured American relations with Chinese immigrants (Stanford University et al.). Many workers would blame the Chinese for taking their jobs and causing these economic problems, resulting in constant hate and backlash. This was too much for many Chinese immigrants, including Wong's parents who joined the exodus across the Pacific Ocean in 1890 (Klein). Six years later, in 1896, Wong returned from a trip to China, where he was stopped at the Port of San Francisco by United States Customs. Wong was prepared for this and brought an identification document that a notary and three other San Francisco residents had signed. However, even after showing these credentials to John Wise, the collector of customs at the Port of San Francisco, he still refused Wong entry. Instead, Wise ordered Wong to be deported, citing the 1882 Chinese Exclusion Act which prohibited the immigration of Chinese laborers and barred them from becoming naturalized (Chen). Wise claimed that Wong was not a citizen of the United States, but rather a Chinese citizen due to his parents' nationality ("United States v. Wong Kim Ark"). Wong challenged Wise's refusal to recognize his United States citizenship by filing a writ of habeas corpus, alleging that he was being confined unlawfully and restrained of his liberty (Hardeep). Ultimately, Wong escalated this issue to the district court in Northern California on January 3, 1896 ("Wong Kim Ark's Discharge").

The arguments presented before District Judge William W. Morrow centered around the interpretation of the 14th Amendment, ratified in 1868, which granted citizenship and equal civil rights to enslaved African Americans who had been emancipated after the Civil War (National

Constitution Center). Crucially, it states that no “State [shall] 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” (National Archives).

In Wong’s case, opponents within the government claimed that children of Chinese parents, who were barred from naturalization, were ineligible for birthright citizenship (Nackenoff and Novkov). Like their parents, these children were the subjects of a foreign power. Wong’s attorneys argued that citizenship should be based on *jus soli*, meaning citizenship based on place of birth, common law inherited by the United States from England (“Ancestors in the Americas: *United States v. Wong Kim Ark*”). United States District Judge William Morrow sided with Wong, declaring that he was an American citizen, and ordered his release. Solicitor General Holmes Conrad and other dissidents believed this was an erroneous decision on the basis that English common law no longer applied after the United States gained independence from Great Britain, leading opponents to appeal to the Supreme Court (Jones).

On March 28, 1898, the Supreme Court announced in a 6-2 decision that it sided with Wong, ruling that “the American citizenship that Wong Kim Ark acquired by birth within the United States has not been lost or taken away by anything happening since his birth.” This supported the ruling of the district judge who had heard Wong’s original habeas corpus petition (Dhillon). The court concurred that the citizenship status of children born to non-citizen parents did not constitute a binding precedent. Consequently, they upheld that Wong Kim Ark was indeed a United States citizen. (National Constitution Center).

III. The Impact

This ruling has once and for all clarified the principles of citizenship and how it is obtained. Supported by the 14th Amendment, the *United States v. Wong Kim Ark* verdict reaffirms that all people born on American soil are considered citizens of the United States with equal protection under the law, regardless of their place of origin. It guarantees that no one can reject another person's citizenship, forever changing American law and profoundly impacting the country and the millions of immigrants who reside in the United States today. It has ensured equal legal protection and justice for all Americans, safeguarding the United States' fundamental principles for many years to come.

Before *United States v. Wong Kim Ark*, the unclear definition of citizenship led to American citizens not getting the justice they deserved, as seen in the 1844 case of *Lynch v. Clarke*. In this example, Julia Lynch, born in New York to Irish parents had to fight for her right to inherit property from her late uncle, Thomas Lynch. John Clarke, the defendant in this case, argued that Thomas' share in the business they ran together, and the property he owned, belonged to him, disregarding Thomas' wishes for Julia to receive it. Clarke also challenged Julia Lynch's eligibility to inherit property, stating that she was not a citizen since neither of her parents was, making her ineligible to inherit property under New York law ("*Lynch v. Clarke*"). This lack of clarity in the citizenship law, unfortunately, resulted in Julia Lynch losing her ability to obtain her family's property.

In a similar case, John Elk, a Native American who was born on an Indian reservation, had both his citizenship and voting rights taken away after the *Elk v. Wilkins* case in 1884. Charles Wilkins, the registrar of voters, denied Elk's right to vote, claiming that Elk did not hold citizenship since he was born on an Indian reservation, which he didn't consider American soil.

The district court of Nebraska would even back up Wilkin's false claim, despite having the Indian Removal Act of 1830, which previously confirmed that tribal territories of Native Americans were part of American jurisdiction (“Indian Removal Act”). This suggests that John Elk should be considered a United States citizen, and would be allowed to vote. Again, clashes between legal outcomes unfortunately resulted in John Elk wrongfully having his constitutional rights taken away from him. The Wong Kim Ark case would have ensured citizenship for both Julia Lynch and John Elk, as Wong’s verdict cleared the muddied waters of the citizenship criteria.

After the case of *United States v. Wong Kim Ark*, numerous other court decisions have been directly influenced by its ruling, catalyzing change nationwide. People in similar situations depended on the Wong Kim Ark verdict, as seen in cases including *Perkins v. Elg* (“*Perkins v. Elg*”) and *Nishikawa v. Dulles* (“*Nishikawa v. Dulles*”). The precedent set by *United States v. Wong Kim Ark* has been utilized to grant citizenship to immigrant descendants for people of all ethnicities.

The case of *Perkins v. Elg* from 1939 is a prime example of how Wong Kim Ark’s ruling left a lasting impact that continues to protect immigrant families with its influence on the outcome of their cases. Marie Elizabeth Elg was born in New York in the year 1907 to Swedish parents who were naturalized citizens (“*Perkins v. Elg*”). However, when she was only 4 years old, her family moved back to Sweden. She resided in Sweden until 1929 when she was 21 and moved back to the United States. When she made it to America, Marie Elg was notified by the Department of Labor that she was not a citizen of the United States and was threatened with deportation. Perkins, the Secretary of Labor argued that since her father had expatriated himself, and she had been staying in Sweden for more than 2 years she had lost her citizenship. However,

by using the principles of birthright citizenship established in the Wong Kim Ark case, Chief Justice Hughes decided that Elg was a citizen of the United States upon her birth in New York (“Perkins v. Elg”). Three decades following Wong's initial case, its long-lasting impact became evident as its strong ruling helped protect a United States citizen from unjust deportation.

The 1958 Supreme Court case of *Nishikawa v. Dulles* (“*Nishikawa v. Dulles*”) is another example that demonstrated the impact of the case of *United States v. Wong Kim Ark*. Mitsugi Nishikawa was a Japanese American citizen who went to Japan in 1939 for his education but ended up being conscripted into the Japanese military at the start of World War II. Upon Nishikawa’s return to the United States following the war’s end, John Foster Dulles, the Secretary of State argued that his citizenship should be stripped from him because service in the armed forces of a foreign state could lead to loss of U.S. citizenship under the Nationality Act of 1940 (“Nationality Act of 1940”). Nishikawa argued that his renunciation was coerced and involuntary, and sought reinstatement of his American citizenship. However, even with the court seeming one-sided, with *Wong Kim Ark*’s case being cited, it was certain that no branch, no matter how powerful, can involuntarily expatriate a United States citizen. On March 31, 1958, the United States Court of Appeals decided that his citizenship would be reinstated. This case stands as another notable result of the influential *Wong Kim Ark* case and its enduring impact on immigrant families.

IV. Conclusion

The case of *United States v. Wong Kim Ark* was a pivotal point in history with significant influence that still remains relevant today. Since then, countless individuals have benefited from the repercussions of this case, as its use of citing has shielded numerous Americans from wrongful expulsion. This case's paramount ruling is a true turning point for American jurisprudence, with its assurance of birthright citizenship profoundly impacting millions of people. It provides equal protection and justice for minorities of all backgrounds, ensuring the United States remains true to its core values of liberty, equality, and justice for all. These unique strengths of the nation attract talents from all over the world. Albert Einstein, and Enrico Fermi, to Elon Musk, and Sergey Brin, bright people who all greatly improved the country.

Today immigration policy is a heavily debated topic. Extreme anti-immigration rhetoric has gained popularity among many politicians at local and even national stages, just as it did many times over the course in history. The political climate of contemporary society mirrors the era of nativist sentiments that this famous case arose in. Drawing a parallel between these two time periods will add unique insight into how to critically analyze current immigration policies in the face of misinformation. Learning from critical moments in history can shape the nation for a better future.

Annotated Bibliography

Primary Sources:

“Nationality Act of 1940.” *Fam.state.gov*, United States Department of State Foreign Affairs Manual, 13 Jan. 1941, <https://fam.state.gov/FAM/08FAM/08FAM030106.html>.

This manual provides the provisions and requirements for how United States citizenship is transmitted. I used this source when I introduced the argument of *Nishikawa v. Dulles*. I referenced this act to support how.

“United States v. Wong Kim Ark.” *Www.cetel.org*, 5 Mar. 1897,

www.cetel.org/1898_wongkim.html#:~:text=This%20was%20a%20writ%20of%20habeas%20corpus%2C%20issued.

This transcript of the case starts with a description of Wong Kim Ark’s background and what happened that led him into this predicament. It then lays out the facts of the case, citing relevant ordinances, such as the 1882 Chinese Exclusion Act. I found this source by going through law databases and using it in my historical paper because of the clear details and background it gave.

“Clarke v. Lynch, No. 11-5124 (D.C. Cir. 2015).” *Justia Law*,

<https://law.justia.com/cases/federal/appellate-courts/cadc/11-5124/11-5124-2015-09-01.html>

This source is an example of problems within American law, the situation that Lynch was in being similar to that of Wong, which is why I cited it in my paper. By comparing the two cases, we see the problems before Wong’s monumental ruling, and how before his case, there was a lack of clarity and understanding of the newly established 14th Amendment.

“Constitution 101 Resources - 14.4 Primary Source: United States v. Wong Kim Ark (1898) |

Constitution Center.” *National Constitution Center – Constitutioncenter.org*, 2023,

<https://constitutioncenter.org/education/classroom-resource-library/classroom/14.4-primary-source-united-states-v-wong-kim-ark-1898>.

This piece of original text gives only important parts of the Wong Kim Ark case, with bolded titles explaining both sides and what the court thinks. I used this source for information regarding the Supreme Court case.

“Documented Rights Image Detail: Wong Kim Ark’s Discharge.” *www.archives.gov*,

www.archives.gov/exhibits/documented-rights/exhibit/section2/detail/discharge-transcript.html.

This government archive gives an image of the Habeas Corpus Wong Kim Ark sent to the court. It gives the date on which the case was argued in District court. I find this source credible as a national archive, and a government source.

“Elk v. Wilkins, 112 U.S. 94 (1884).” *Justia Law*, <https://supreme.justia.com/cases/federal/us/112/94/>.

In this legal case heard by the United States Supreme Court, as documented by Justia Law, the detailed information on John Elk’s fight for his citizenship and voting rights was very useful in my paper. It played a role in my argument by emphasizing the lack of clarity in citizenship law before the case of Wong Kim Ark. Justia a law database is certain to be credible, leading me to use it in my paper.

Jones, Nicholas, et al. "Improved Race and Ethnicity Measures Reveal U.S. Population Is Much More Multiracial." *The United States Census Bureau*, 12 August 2021, <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.

This census shows increased diversity in the United States. I used this statistic to support my claims of how diverse and important the immigrant and immigrant descendant population is in our country.

National Archives. "14th Amendment to the U.S. Constitution: Civil Rights (1868)." *National Archives*, The U.S. National Archives and Records Administration, 7 Sept. 2021, <https://www.archives.gov/milestone-documents/14th-amendment>.

The National Archives provides an overview of the 14th Amendment in the United States Constitution, focusing on its significance in establishing civil rights. This source offers information on the text and historical context of the Amendment, like when and why it was put into place. It played a major role in my paper as the Wong Kim Ark case was entirely based on the definition of this amendment.

"Nishikawa v. Dulles, 356 U.S. 129 (1958)." *Justia Law*, <https://supreme.justia.com/cases/federal/us/356/129/>

This case involves issues pertinent to U.S. citizenship and immigration. It provides insights into the specific legal arguments and the Supreme Court's decision in the case. This case was used to show an example of how the case of *United States v. Wong Kim Ark* was cited and impacted the court's ruling.

“Perkins v. Elg, 307 U.S. 325 | Casetext Search + Citator.” *Casetext.com*,

<https://casetext.com/case/perkins-v-elg-2>

This court case involves significant questions related to U.S. citizenship and nationality. I used this source and the example of Perkins v. Elg to show how Wong Kim Ark’s case was cited, thus helping an American regain their citizenship. Its credibility depends on accurately representing the court's ruling and legal analysis.

“Research Guides: Indian Removal Act: Primary Documents in American History: Digital Collections.”

Loc.gov, 2019, <https://guides.loc.gov/indian-removal-act/digital-collections>

This source regarding the Indian Removal Act was used to give background on the Elk v. Wilkins case. This act was the one that proved John Elk’s citizenship and how the denying of his voting rights was unconstitutional. Its credibility is rooted in the Library of Congress's authority as a trusted institution preserving and providing access to historical records and collections.

“United States v. Wong Kim Ark, 169 U.S. 649 (1898).” *Justia Law*,

<https://supreme.justia.com/cases/federal/us/169/649/>.

This is similar to previous Wong Kim Ark sources as it is also a documented court case. This source provides insights into the legal arguments presented and the Supreme Court's decision in the case.

“United States v. Wong Kim Ark.” *LII / Legal Information Institute*, 2018,

www.law.cornell.edu/supremecourt/text/169/649.

This Cornell Legal Information Institute document focuses on the pivotal questions surrounding birthright citizenship and the Fourteenth Amendment. This source offers detailed information like many others of the case of Wong Kim Ark. Its credibility stems from LII's reputation as a reliable source of legal information.

“United States v. Wong Kim Ark (1898).” *Immigration History*,

<https://immigrationhistory.org/item/united-states-v-wong-kim-ark-1898/>.

This article on immigration history is similar to previous ones, as it gives a transcript of the Wong Kim Ark case. However, it does have a different viewpoint, as it is more focused on the immigration aspect.

Secondary Sources:

Chen, Joyce J. “The Impact of Skill-Based Immigration Restrictions: The Chinese Exclusion Act of 1882.” *Journal of Human Capital*, vol. 9, no. 3, Sept. 2015, pp. 298–328,

<https://www.journals.uchicago.edu/doi/abs/10.1086/683186?journalCode=jhc>.

This journal about the Chinese Exclusion Act of 1882 by Joyce J. Chen is all about the consequences of it on immigration patterns and the economy. Chen's research shows the issue of restrictive immigration policies and the debate that would follow. This plays a role in my paper when I cite the Chinese Exclusion Act and the country's overall anti-Chinese stance. This all impacted Wong's ruling, as the ruling was swayed.

Dhillon, Hardeep. "How the Fight for Birthright Citizenship Shaped the History of Asian American Families." *Smithsonian Magazine*,

www.smithsonianmag.com/history/how-the-fight-for-birthright-citizenship-reshaped-asian-american-families-180981866/#:~:text=Wise%20ordered%20Wong%20deported%2C%20citing%20the%201882%20Chinese.

This Smithsonian Magazine article gives decent background about the United States v. Wong Kim Ark and their significance in shaping the legal and social landscape for Asian immigrants in the United States. It was a quick and easy read which developed my knowledge on this topic. Its credibility is supported by Smithsonian Magazine's reputation for providing well-researched content.

Gauthreaux, Alan. *An Inhospitable Land: Anti-Italian Sentiment and Violence in Louisiana, 1891–1924*.

22 Jan. 2013, pp. 164–175, <https://doi.org/10.1002/9781394260836.ch12>.

This source provides valuable historical context for understanding ethnic discrimination and violence directed towards Italian immigrants in the United States. I used it as an example of the many different ethnic groups that have been targeted in this country's past, citing other examples such as times when the Irish or African Americans were not accepted into society.

Holtz, Geoffrey T. "Social Security Discrimination against African-Americans: An Equal Protection Argument." *Hastings Law Journal*, vol. 48, 1996, p. 105,

[heinonline.org/HOL/LandingPage?handle=hein.journals/hastlj48&div=13&id=&page=.](http://heinonline.org/HOL/LandingPage?handle=hein.journals/hastlj48&div=13&id=&page=)

This argument by Geoffrey T. Holtz, published in the *Hastings Law Journal*, presents an argument regarding discrimination against African Americans within the Social Security system. I used this source as one of many examples of a certain kind of people being mistreated.

Jones, Martha S. "Birthright Citizenship and Reconstruction's Unfinished Revolution." *The Journal of the Civil War Era*,
www.journalofthecivilwarera.org/forum-the-future-of-reconstruction-studies/birthright-citizenship-reconstructions-unfinished-revolution/.

This University of North Carolina Press article goes into what is birthright citizenship, and the post-Civil War reconstruction era. It makes mentions of the Wong Kim Ark case and the dissents. One of whom, was a former High Ranking Confederate Soldier, whose bias led to the case going up to the Supreme Court.

Klein, Christopher. "Born in the USA: The Immigrant Son Who Fought for Birthright Citizenship." *HISTORY*, 30 May 2017,
www.history.com/news/born-in-the-USA-the-immigrant-son-who-fought-for-birthright-citizenship

This article gives good background on Wong Kim Ark, like where he was born, his family, and the events leading up to his detainment. I read this article at the beginning of my research when I was first trying to understand the basics of this case.

Lee, J. J., and Casey, Marion R. *Making the Irish American: History and Heritage of the Irish in the United States*. *Google Books*, NYU Press, 1 Mar. 2007,

books.google.com/books?hl=en&lr=&id=cAcUCgAAQBAJ&oi=fnd&pg=PA364&dq=anti+irish+sentiment+in+america&ots=RjbrM1TerJ&sig=ljo33CEy6fX4dMgwHtk1WN8jcYg#v=onepage&q=anti%20irish%20sentiment%20in%20america&f=false.

This book shows what Irish immigrants experienced in the United States in the early 19th century. This, like the African American and Italian sources are all used in the beginning where I emphasize how many different kinds of people have been mistreated in this country and how the core values of the United States have not always been upheld.

Martinez, Valeria, et al. *Martinez 1 The Formula for a Massacre: Growing Stereotypes and Rising Tensions towards the Chinese Community in the Late 1800s*. 2021.

This article goes in-depth into the escalation of stereotypes and tensions directed toward the Chinese community during the late 19th century. It explored the role of the 1882 Chinese Exclusion Act on this sentiment, as well as other factors. This gives some background on what the United States' perception of the Chinese community was like, as well as how it might've played a role in the Wong Kim Ark case.

Nackenoff, Carol, and Julie Novkov. *American by Birth: Wong Kim Ark and the Battle for Citizenship*.

Google Books, University Press of Kansas, 13 Oct. 2022,

books.google.com/books?hl=en&lr=&id=8x2uEAAAQBAJ&oi=fnd&pg=PR7&dq=wong+kim+ark+background&ots=rd7ORFrHOj&sig=MNDaaQ5JxpE2GGmnplWCpVwsV6g#v=onepage&q=wong%20kim%20ark%20background&f=false.

This book provides an in-depth examination of the background and legal significance of Wong Kim Ark's case. It gives an analysis of American identity and immigration policy. Its credibility is reinforced by its publication by a reputable academic press.

University, Stanford, et al. "Wong Kim Ark." *Rise for Asian Americans and Pacific Islanders - Spotlight at Stanford*, 9 Apr. 2021, exhibits.stanford.edu/riseup/feature/wong-kim-ark.

This Stanford University article summarized who Wong Kim Ark was, and the impact of his court case. This article provides some historical context about his legal legacy and his role in advancing birthright citizenship for Asian Americans. Its credibility is supported by its association with Stanford University, a very trustworthy academic institution.