Quick Learning Guide:

Wong Kim Ark, Citizenship Pioneer

United States v. Wong Kim Ark

Supreme Court of the United States

Argued March 5, 8, 1897 Decided March 28, 1898

Full case name

United States v. Wong Kim Ark

Citations 169 U.S. 649 (more)

18 S. Ct. 456; 42 L. Ed. 890; 1898 U.S.

LEXIS 1515

Case history

Prior Appeal from the District Court of the United

States for the Northern District of

California; 71 F. 382

Holding

The Citizenship Clause of the Fourteenth Amendment must be interpreted in light of English common law,^[1] and thus it grants U.S. citizenship to all children born to alien parents on American soil, with only a limited set of exceptions.^{[2][3]}

Court membership

Chief Justice

Melville Fuller

Associate Justices

John M. Harlan · Horace Gray
David J. Brewer · Henry B. Brown
George Shiras Jr. · Edward D. White
Rufus W. Peckham · Joseph McKenna

Case opinions

Majority Gray, joined by Brewer, Brown, Shiras,

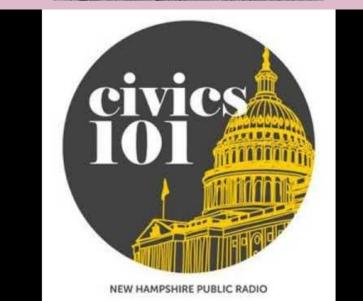
White, Peckham

Dissent Fuller, joined by Harlan

McKenna took no part in the consideration or decision of the case.

Laws applied







March 28, 1898 - United States v. Wong Kim Ark by Philip Chi

United States v. Wong Kim Ark was a landmark Supreme Court case which held that anyon

Wong Kim Ark was born in San Francisco in 1873 to Chinese immigrant parents (although other sources have cited his birth as 1868 or 1871, 1 n 1890, they moved back to China and Wong went to visit them later that year. He was allowed re-entry to the United States upon his return on the grounds that he was born in the United States and was a citizen. However a few years later, in 1895, Wong Kim Ark went on another visit to China. When he returned to the U.S, he was denied entry at San Francisco harbor on the grounds that he was not a Uscitizen. Under the Naturalization Act of 1790 only "free white persons" of "good mora character" were allowed to become citizens. The Naturalization Act of 1870 had extended this right to "aliens of African nativity and to persons of African descent" but Congress had specifically left out Chinese and other non-white minorities. Moreover, the Chinese Exclusion Act of 1882 forbade Chinese from entering the US as immigrants or to become naturalized 158 citizens.

Thomas Riordan, a lawyer for the Chinese Consulate in San Francisco and the Chinese Sco. Companies (Chinese Consolidated Benevolent Association), said that Wong was born in the United States, and was an American perfectly entitled to enter the country. The United States District Attorney argued:

That, as he is informed and believes, the said person in whose behalf said application made is not entitled to land in the United States, or to be or remain therein, as is alle

Because the said Wong Kim Ark, although born in the city and county of San Francisc State of California, United States of America, is not, under the laws of the State California and of the United States, a citizen thereof, the mother and father of the sa Wong Kim Ark being Chinese persons and subjects of the Emperor of China, and the sa Wong Kim Ark being also a Chinese person and a subject of the Emperor of China,

Because the said Wong Kim Ark has been at all times, by reason of his race, language, color and dress, a chinese person, and now is, and for some time last past has been, a laborer by occupation.

That the said Wong Kim Ark is not entitled to land in the United States, or to be or remain therein, because he does not belong to any of the privileged classes enumerated in any of the acts of Congress, known as the Chinese Exclusion Acts, [7] which would expend from the class or classes which are especially excluded from the United States by the provisions of the said acts.

honorable court be made and entered in accordance with the allegations hereic contained, and that the said Wong Kim Ark be detained on board of said vessel unt released as provided by law, or otherwise to be returned to the country from whence h

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Did You Know...

Because of the new law, Wong Kim Ark sons, born in China, eventually moved to the US as citizens. One learned, after reading the newspaper in 1998, about his father's case and how he would be honored that year on the 100th anniversary of the settlement of the case. Wong had never mentioned the case to them.