



Research Paper

Asian Rights and the Fight for Citizenship: The Legacy of Wong Kim Ark

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ABSTRACT: This paper examines the legal and historical significance of *United States v. Wong Kim Ark (1898)* and its enduring impact on citizenship and immigrant rights in the United States. Set against the backdrop of widespread anti-Chinese sentiment and exclusionary policies such as the Chinese Exclusion Act of 1882, Wong Kim Ark's case challenged the denial of his reentry into the United States despite being born on American soil. Through an analysis of legal documents, historical context, and contemporaneous sources, this study demonstrates how the Supreme Court's ruling affirmed the principle of birthright citizenship under the Fourteenth Amendment. The decision established that citizenship is determined by place of birth rather than race or parental nationality, marking a critical turning point in American constitutional law. However, the paper also highlights the limitations of this victory, as Chinese immigrants continued to face systemic discrimination and exclusion from full legal and social equality. By situating Wong Kim Ark's case within broader transnational dynamics—including Qing dynasty instability and U.S.-China relations—this research underscores the intersection of law, race, and power. Ultimately, the legacy of Wong Kim Ark remains highly relevant today, as debates over birthright citizenship and immigration policy persist, revealing the continued fragility of inclusion and equality in modern society.

KEYWORDS: Birthright Citizenship; Fourteenth Amendment; Chinese Exclusion Act; Immigration Law; Racial Exclusion; Citizenship Rights

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I. INTRODUCTION

Belonging means seeking recognition and protection, yet it often feels like a fragile illusion in complex social structures. We live in a world governed by laws and norms, but the promise of social security is elusive, especially for those on the margins of society – those caught between visibility and exclusion. Immigrants, minorities, and other groups are in a situation where rights are given or taken away, not for their distance from power but for their identity. But what happens when the social contract breaks down? Where do people go when national institutions collapse and the security they once promised crumbles? Who is then responsible for upholding rights? Ideals of justice start to become abstract, leaving individuals to struggle with enduring questions. How do we protect what is ours – our homes, our families, our lives – when the society we belong to turns its back on our identity? In such moments, survival becomes as much a physical act as a moral and philosophical judgment. In this tension between belonging and exclusion, the rights of underprivileged people are often tested, exposing the fragility of equality in a divided world. It's crucial to recognize the humanity of all individuals, regardless of their social status or background, as this is the foundation of a just and equitable society [1].

Throughout history, especially in Western societies, people of color have frequently been marginalized and denied equal rights due to systemic racism and prejudice. These groups have been relegated to the margins of society and struggle for visibility and protection within a system of privilege. Over the past 70 years, these groups have faced exclusion, discrimination, and violence. In the United States, both African Americans and Asian Americans have made great strides toward legal equality through tireless work and the civil rights movement. However, systemic inequality continues to impact their life experiences. In moments when the social contract breaks down, marginalized people are forced to engage in the complex calculus of balancing survival with demands for justice and recognition, highlighting the fragility of equality in a divided world.

II. WONG KIM ARK AND THE STRUGGLE FOR BIRTHRIGHT CITIZENSHIP

One of the most famous examples is Wong Kim Ark, who was born in 1873 and died in 1934: a Chinese American whose legal battle to gain his rights profoundly influenced the United States' interpretation of birthright citizenship. He was born in San Francisco to Chinese immigrant parents. Due to the restrictions of the Chinese Exclusion Act, it was uncommon for Chinese children to be born in the United States at that time. The Chinese Exclusion Act was a United States federal law signed by President Chester A. Arthur on May 6, 1882, that prohibited the immigration of Chinese laborers for 10 years. The law made exceptions for merchants, teachers, students, travelers, and diplomats.” [2] In 1895, after returning from a family visit, Wong Kim Ark was denied entry by U.S. immigration officials because his parents were not U.S. citizens. Wong Kim Ark filed a lawsuit, eventually leading to the 1898 U.S. Supreme Court case "United States v. Wong Kim Ark." The court ruled that under the Fourteenth Amendment, people born in the United States enjoy citizenship rights. This ruling laid the "birthright citizenship" principle and had far-reaching influence. Wong Kim Ark's victory not only won rights for Chinese Americans but also became the legal cornerstone of U.S. citizenship.

The Wong Kim Ark case occurred when anti-Chinese sentiment in the United States peaked. This sentiment was fueled by laws such as the Chinese Exclusion Act of 1882 [3]. Born in San Francisco in 1873 to Chinese immigrant parents, Wong Kim Ark was considered a U.S. citizen under the “law of the land” doctrine. In 1895, after returning from a visit to China, immigration officials denied him re-entry because, as the child of Chinese citizens, he was not American. Wong Kim Ark fought back, taking his case to the Supreme Court in a legal battle that lasted about three years [4]. Wong Kim Ark was detained by U.S. Customs in San Francisco, prompting him to file a petition for habeas corpus with the U.S. District Court for the Northern District of California. The case was presided over by Judge William W. Morrow, who ruled in 1896 that Wong Kim Ark was a U.S. citizen under the Fourteenth Amendment [4]. The U.S. government appealed this decision to the Supreme Court, where the case was heard in March 1897 [5]. Wong Kim Ark's legal team argued that he was a U.S. citizen by birth. In contrast, U.S. Attorney General John W. Griggs argued that his parents' Chinese nationality made him ineligible for U.S. citizenship [6]. On March 28, 1898, the Supreme Court ruled 6 to 2 in favor of Wong Kim Ark, with Justice Horace Gray writing the majority opinion [6]. The court ultimately ruled in his favor in the 1898 case *United States v. Wong Kim Ark*, holding that “children born in the United States of Chinese parents, who were subjects of the Chinese emperor at birth, but who have a permanent home and residence in the United States, carry on business in the United States, etc., are citizens of the United States by birth.”[3] This ruling strengthened the interpretation of the Fourteenth Amendment and became the cornerstone of U.S. birthright citizenship laws.

III. CHINA’S LIMITED ROLE IN PROTECTING ITS CITIZENS ABROAD

In the late 19th century, China was ruled by the Qing dynasty, which faced internal rebellion and pressure from external powers. Internally, the Qing dynasty fought uprisings such as the Taiping Rebellion and the Boxer Rebellion, and its authority was weakened. Externally, Western countries, including the United States, sought to expand their influence in China, complicating diplomatic relations. The United States introduced the Open Door Policy in 1899 to ensure equal trade opportunities and prevent China from being carved up by foreign powers [7]. However, Chinese and American exchanges remained tense, especially as the United States implemented restrictive immigration policies targeting the Chinese like The Chinese Exclusion Act, which reflected growing anti-Chinese sentiment [8]. Relations further deteriorated when the 1894 Gresham-Yang Treaty tightened immigration restrictions, allowing some Chinese residents to return [9]. The Qing government, weakened by internal instability and external pressure, had little negotiation leverage and often complied with American demands. Despite diplomatic channels, China's ability to defend its interests was limited. This dynamic has shaped the experiences of Chinese immigrants like Wong Kim Ark, whose legal battle for birthright citizenship has highlighted the tension between U.S. immigration policy and China’s waning international influence.

IV. THE LEGACY OF WONG KIM ARK IN AMERICAN IMMIGRATION LAW

The decision in *United States v. Wong Kim Ark* had a lasting impact on immigration and citizenship policy in the United States. The ruling strengthened the application of the Fourteenth Amendment to all persons born on U.S. soil, regardless of race or national origin of their parents [3]. Legal scholars and historians consider the ruling a defining moment in civil rights and constitutional law. It set the stage for future civil rights cases, including challenges to discriminatory laws against other immigrant groups [3]. Despite the ruling, Chinese Americans still face discrimination under exclusionary laws today, but Wong Kim Ark’s victory provided legal protection for future generations born in the United States. Today, his case remains significant in the debate over birthright citizenship and immigration policy in the United States. Legal historian Erika Lee describes Wong Kim Ark’s case as “an important reaffirmation of the principles of inclusion and equality under the law.” [3] Wong Kim Ark’s courage in challenging the government secured a fundamental right for millions of Americans, and the law remains an integral part of American law and social history.

The United States v. Wong Kim Ark's decision was crucial in refuting legal arguments that sought to exclude Chinese immigrants from U.S. citizenship. At the time, Chinese immigrants were viewed as permanent foreigners, regardless of their contributions to American society. This perception was further reinforced by the Chinese Exclusion Act of 1882, which prohibited Chinese laborers from entering the United States and denied naturalization to those already in the country [10]. Wong's case directly challenged these Chinese exclusion laws, forcing the U.S. Supreme Court to clarify the meaning of the citizenship clause of the Fourteenth Amendment. The Court's majority opinion relied on historical precedent, citing English common law, which recognized birthright citizenship as a fundamental principle [11]. By ruling in favor of Wong, the Court confirmed that "the fundamental principle of birthright citizenship" applied to all persons born within the territory of the United States, except for the children of diplomats and occupying forces [12]. This decision protected Wong's rights and ensured that future generations of children born in the United States would be recognized as citizens, regardless of race or parents.

Even after Wong Kim Ark's victory, challenges to the rights of Chinese-born citizens in the United States continued. The ruling did not grant citizenship to the immigrants, meaning that Chinese immigrants still faced restrictions on naturalization and legal rights. Additionally, Wong Kim Ark did not end the broader struggles of the Chinese in the United States, who continued to face discrimination in employment, housing, and public life. However, the ruling laid the foundation for future legal battles over citizenship and immigrant rights.

V. CONCLUSION

Later, the principles established in United States v. Wong Kim Ark were cited in court cases to defend the citizenship rights of other immigrant groups, including Mexican Americans. Recently, the debate over birthright citizenship has resurfaced, with President Trump now questioning whether the Fourteenth Amendment should still apply to the children of undocumented immigrants. Despite these challenges, Wong Kim Ark remains one of American history's most important legal precedents, ensuring citizenship is determined by birthplace rather than race.

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