

*U.S. v. Wong Kim Ark:*  
*Barred From His Homeland,*  
*One Chinese American's Fight for Birthright Citizenship*

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Landmark United States Supreme Court cases are ingrained in the minds of many Americans, shaping their view of history; a history known for its tumults and hypocrisies, yet remaining a hopeful memoir steeped in the pursuit of liberty for all people. Belonging in the midst of cases as pivotal and transformative in America's story as *Marbury v. Madison* or *Brown v. Board of Education* is a more obscure Supreme Court case: the 1897 case of *United States v. Wong Kim Ark*. Although cardinal in its decision regarding birthright citizenship for people of all races, the case has largely been overlooked. To effectively analyze this neglected, but important piece of history, one must understand what life was like in America for Chinese immigrants in the late 1800s and how Wong Kim Ark found his way to the U.S. Supreme Court to ultimately defend his right to citizenship. What did *U.S. v. Wong Kim Ark* do for Chinese communities, if anything, and did it change the way they participated in the social and civic life in California and the broader U.S.? Lastly, where does birthright citizenship stand today? The decision secured birthright citizenship for Chinese Americans, but whether it helped them benefit from that citizenship remains unclear.

### **Life for Wong Kim Ark and Chinese Immigrants Prior to the Case**

Most Chinese immigrants came in the early 1850s from the Pearl River Delta region in China, a densely populated region that today encompasses Hong Kong, Guangzhou, and Macao<sup>1</sup>. The Chinese immigrants who came to the U.S. arrived in search of what they called “The Gold Mountain;” the alluvial gold that was plentiful in California at the time.<sup>2</sup> When gold was still being found in vast quantities, white miners tolerated and even extolled the Chinese miners for their hard work until they realized the Chinese were prospering.<sup>3</sup> The Chinese contributed new

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<sup>1</sup> Erika Lee, *At America's Gates*, (Chapel Hill, UNC Press, 2003), 25.

<sup>2</sup> Iris Chang, *The Chinese in America*, (New York, Viking Adult, 2003), 25.

<sup>3</sup> Chang, *The Chinese in America*, pp. 37-52; Lee, *At America's Gates*, p. 25.

technology to the industry such as pumping and water wheels. They were successful, but their success was short lived.<sup>4</sup>

The California government began taxing foreign miners and even proposed an all out ban on Chinese miners.<sup>5</sup> As gold became scarce, the good relations became strained between the Chinese and white miners. The Chinese were immediately blamed for the scarcity of gold and mob violence against them ensued.<sup>6</sup> In 1871, a mob of 500 attacked a Chinese neighborhood and lynched 20 Chinese people.<sup>7</sup> This is just one of many acts of violence against the Chinese in California as the Chinese Exclusion era began.<sup>8</sup>

The Chinese Exclusion Act of 1882 (“Exclusion Act”) was the second, but most significant federal law instituted to explicitly restrict the immigration of the Chinese based on their race.<sup>9</sup> The first was the Page Act of 1875, which prohibited Chinese women from entering the U.S.<sup>10</sup> The Exclusion Act restricted the immigration and naturalization of Chinese unskilled laborers for 10 years. It was renewed in 1892 by the Geary Act.<sup>11</sup> The Exclusion Act caused the population of Chinese in the U.S. to decrease rapidly. In 1890, there were 107,488 Chinese

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<sup>4</sup> Chang, *The Chinese in America*, pp. 121-122. (“Public hatred for the Chinese, exposed in fits of blood lust and glee, intensified as the economy worsened from overspeculation.”).

<sup>5</sup> Chang, *The Chinese in America*, p. 42.

<sup>6</sup> Chang, *The Chinese in America*, p. 41 (“Gangs of thugs roved... relieving unwary Chinese prospectors of their gold... would torture them... would slit their throats with a bowie knife.” Ibid., 43; Tax collectors “tied Chinese to trees and whipped them; pursued them on horseback lashing at them,” Ibid., 43; “White miners torched Chinese tents and mining equipment.”) Ibid., 45..

<sup>7</sup> Wallace, Kelly, “Forgotten Los Angeles History: The Chinese Massacre of 1871,” (May 19th, 2017), <https://www.lapl.org/collections-resources/blogs/lapl/chinese-massacre-1871>.

<sup>8</sup> Chang, *The Chinese in America*, 44-45, 121; Wallace, “Forgotten Los Angeles History: The Chinese Massacre of 1871”; Lee, *At America’s Gates*, 25.

<sup>9</sup> Chinese Exclusion Act. (May 6, 1882) (22 Stat. 58).

<sup>10</sup> Page Act. (March 3, 1875) (18 Stat. 477).

<sup>11</sup> Act to Prohibit the Coming of Chinese Persons into the United States of May 1892. (27 Stat. 25) (commonly known as “Geary Act”).

people in the U.S.<sup>12</sup> By 1920, 23 years before the Act was repealed, their population decreased to 61,639.<sup>13</sup>

Wong Kim Ark was born in 1873 in San Francisco, in the midst of the rise of Chinese exclusion.<sup>14</sup> His father, Wong Si Ping, was a merchant in Chinatown.<sup>15</sup> Little is known about his mother, Wee Lee.<sup>16</sup> Due to the Naturalization Act of 1790, Wong Kim Ark's parents were barred from the naturalization process as they didn't meet the "free white" requirement.<sup>17</sup> The Panic of 1873, a global financial crisis, negatively affected white working-class men in California.<sup>18</sup> They were quick to blame a recent wave of Chinese immigrants.<sup>19</sup> Biases against the Chinese were prevalent.

When Wong Kim Ark was 17, only eight years after the Exclusion Act, he temporarily visited China and returned to America without challenge in July 1890.<sup>20</sup> He traveled to China again to visit his parents in 1894.<sup>21</sup> In August of 1895, on his second trip home to the U.S., he returned to troubling consequences.<sup>22</sup> He was immediately detained by a Collector of Customs at

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<sup>12</sup> Lee, *At America's Gates*, 43-45; Bob Barde, "Timeline of Chinese Immigration to the United States, *Chinese Immigration to the United States, 1884-1944 a Digital Archive*," University of California Regents, [bancroft.berkeley.edu/collections/chinese-immigration-to-the-united-states-1884-1944/timeline.html](http://bancroft.berkeley.edu/collections/chinese-immigration-to-the-united-states-1884-1944/timeline.html)

<sup>13</sup> *Ibid.*

<sup>14</sup> Brook Thomas, *American Quarterly* (vol. 50, no. 4, Dec. 1998), "Chinamen, United States v. Wong Kim Ark, and the Question of Citizenship," 695.

<sup>15</sup> Lee, *At America's Gates*, 103; Fred Barbash, "Birthright Citizenship: A Trump-inspired history lesson on the 14th Amendment," *The Washington Post*, October 30, 2018, <https://www.washingtonpost.com/history/2018/10/30/birthright-citizenship-trump-inspired-history-lesson-the-14th-amendment/>.

<sup>16</sup> Barbash, "Birthright Citizenship: A Trump-inspired history lesson on the 14th Amendment."

<sup>17</sup> United States Naturalization Law of March 26, 1790. (1 Stat. 103); Congressional Research Service. "Birthright Citizenship and Children Born in the United States to Alien Parents: An Overview of the Legal Debate; Congressional Research Service," (28 Oct. 2015), 8.

<sup>18</sup> Chang, *The Chinese in America*, 121-122.

<sup>19</sup> *Ibid.*, 122.

<sup>20</sup> Brook Thomas, "American Quarterly, Chinamen, United States v. Wong Kim Ark, and the Question of Citizenship," 695.

<sup>21</sup> *Ibid.*, 695.

<sup>22</sup> *Ibid.*, 695.

the Port of San Francisco.<sup>23</sup> The notoriously anti-Chinese officer John Wise denied Wong Kim Ark reentry, claiming that he wasn't a citizen of the U.S.<sup>24</sup> The officer didn't care that he was born in America.<sup>25</sup> Wong Kim Ark was then held in various steamships in San Francisco Bay for five months as his case was being tried.<sup>26</sup> He won the case in the California District Court, but the U.S. promptly appealed to the Supreme Court.<sup>27</sup>

### **The Legal Arguments and Decision of *U.S. v. Wong Kim Ark***

The U.S. Supreme Court framed the legal question as follows: does the first clause of the 14th Amendment confer citizenship to a child born in the U.S. of Chinese immigrants, who legally resided in the U.S, and weren't diplomats.<sup>28</sup> The justices heard the case in March of 1897.<sup>29</sup> Wong Kim Ark argued that since he was born in the U.S. of immigrant parents who were domiciled in the U.S. he is a citizen of the U.S.<sup>30</sup> He based his argument on the Constitution's 14th Amendment, which provides: "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."<sup>31</sup> The U.S. countered that Ark was not allowed to remain in the U.S. because of the Exclusion Act.<sup>32</sup> In addition, the U.S. contended that the 14th Amendment only applies to former slaves because, unlike Ark, the parents of former slaves were never under the jurisdiction of a foreign nation.<sup>33</sup>

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<sup>23</sup> Ibid., 695.

<sup>24</sup> Lee, *At America's Gates*, 103-104.

<sup>25</sup> Ibid., 103-104.

<sup>26</sup> Ibid., 103.

<sup>27</sup> *U.S. v. Wong Kim Ark*, 169 U.S. 649.

<sup>28</sup> Ibid., 649.

<sup>29</sup> Ibid., 649.

<sup>30</sup> Ibid., 652.

<sup>31</sup> U.S. Const. amend. XIV, § 1.

<sup>32</sup> *U.S. v. Wong Kim Ark*, 169 U.S. 650.

<sup>33</sup> Ibid., 724.

The justices referred to English Common Law and relevant U.S. cases to decide the issue.

<sup>34</sup> The Court reasoned: “The acts of Congress known as the Chinese Exclusion Acts, the earliest of which was passed some fourteen years later after the adoption of the Constitution Amendment, cannot control its meaning or impair its effect, but must be construed and executed in subordination to its provisions.”<sup>35</sup> The U.S. countered, basing its argument on the Court’s prior decision in *Fong Yue Ting v. United States*, that the Exclusion Act and treaties designed to limit Chinese immigration were “essential to the safety, independence and welfare of the country” and that the “power to expel aliens was a political power” of the President and Congress.<sup>36</sup> The Court acknowledged that the government did have the power to expel aliens but, “always bearing in mind that statutes enacted by Congress, as well as treaties made by the President and Senate, must yield to the paramount and supreme law of the Constitution.”<sup>37</sup> The court further explained, “The Fourteenth, by the language, ‘all persons born in the United States, and subject to the jurisdiction thereof,’ was intended to bring all races, without distinction of color, within the rule which prior to that time pertained to the white race.”<sup>38</sup> The Court went on: “To hold that the Fourteenth Amendment of the Constitution excludes from citizenship the children, born in the United States, of citizens or foreign subjects of other countries would be to deny citizenship to thousands of persons of English, Scotch, Irish, German, or other European parentage who have always been considered and treated as citizens of the United States.”<sup>39</sup> Essentially, if Wong Kim

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<sup>34</sup> Ibid., 665, 676.

<sup>35</sup> Ibid., 699.

<sup>36</sup> Ibid., 700.

<sup>37</sup> Ibid., 701.

<sup>38</sup> Ibid., 692- 693 (emphasis added).

<sup>39</sup> Ibid., 694.

Ark wasn't considered a citizen, neither would many children of European immigrants born in the U.S.

The Court then turned to legislative records showing the intent behind the 14th Amendment. When debating the 1866 Civil Rights Act, a legislator wanted to amend the first sentence of the bill to read: "All persons born in the United States, and not subject to any foreign power, are hereby declared to be citizens of the United States, without distinction of color."<sup>40</sup> An illuminating debate among the legislators followed.

"Mr. Cowan, of Pennsylvania, asked, 'Whether it will not have the effect of naturalizing the children of Chinese and Gypsies born in this country?' Mr. Trumbull answered, 'Undoubtedly,' and asked, 'is not the child born in this country of German parents a citizen?' Mr. Cowan replied, 'The children of German parents are citizens; but Germans are not Chinese.' Mr. Trumbull rejoined: 'The law makes no such distinction, and the child of an Asiatic is just as much a citizen as the child of a European.' Mr. Reverdy Johnson suggested that the words, 'without distinction of color,' should be omitted as unnecessary, and said: 'The amendment, as it stands, is that all persons born in the United States, and not subject to a foreign power, shall, by virtue of birth, be citizens. To that I am willing to consent, and that comprehends all persons, without any reference to race or color, who may be so born.' And Mr. Trumbull agreed that striking out those words would make no difference in the meaning, but thought it better that they should be retained to remove all possible doubt."<sup>41</sup>

The foregoing conversation between legislators was evidence of the intent to include those born of Chinese immigrants. The Court, agreeing with Wong Kim Ark, found that the 14th Amendment was intended to apply not just to former slaves, but children born in the U.S. of immigrant parents regardless of race.<sup>42</sup>

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<sup>40</sup> Ibid., 697.

<sup>41</sup> Ibid., 697-698.

<sup>42</sup> Ibid., 698.

The Court decided six to two in Wong Kim Ark's favor that he was indeed a citizen and could remain in the U.S.<sup>43</sup> The court found that Wong Kim Ark was the same as any other child born in the U.S. of immigrants and that birthright citizenship under the 14th Amendment applies to all races.<sup>44</sup> The dissenting justices argued that it wasn't right to look to English Common Law because the U.S. had severed ties with England and that *jus sanguinis*, the principle that citizenship is determined by the status of the parents, should control.<sup>45</sup>

### **After U.S. v. Wong Kim Ark**

What did the Supreme Court's affirmation of birthright citizenship for children of Chinese immigrants do for Chinese Americans? Did the Chinese enjoy certain fruits of citizenship like having families, moving to other parts of the U.S., or possibly owning land? One might assume that the Chinese population grew, but the opposite occurred. Legislation prevented the Chinese from starting families in America. The Page Act of 1875, which prohibited Chinese women from entering the U.S., caused a severe gender imbalance for the Chinese in California.<sup>46</sup> Twenty-five years earlier, in 1850, California passed anti-miscegenation laws banning Asians from marrying whites.<sup>47</sup> This further narrowed the pool of potential wives for Chinese men in the U.S. Due to these laws, the Chinese population in the U.S. didn't grow until 1965.<sup>48</sup>

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<sup>43</sup> Ibid., 705.

<sup>44</sup> Ibid., 705.

<sup>45</sup> Ibid., 705-732.

<sup>46</sup> Page Act, (March 3, 1875) (18 Stat. 477); Lee, *At America's Gates*, 92-100; Chang, *The Chinese in America*, 173-174.

<sup>47</sup> "No license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian." Bob Barde, "Timeline of Chinese Immigration to the United States," ("California's Civil Code forbids intermarriage between Whites and 'Mongolians'"); Cal. Compiled Laws of California Chapter CLXXXVI Section 69 (Cal. Stat. 1905); *Asian Americans and Politics: Perspectives, Experiences, Prospects* Edited by Gordon Chang (Stanford, Stanford UP, 2002), 264.

<sup>48</sup> Bob Barde, "Timeline of Chinese Immigration."



Asian-Americans did not move to different regions of the U.S. at a high rate and had a substantial rate of “return migration” to China.<sup>49</sup> Fearing racial prejudice, most Chinese remained in isolated enclaves such as Chinatowns rather than exploring other parts of America.<sup>50</sup> As of 2010, 46 percent of Asians in the U.S. still lived in the West.<sup>51</sup> For every 100 Chinese who immigrated to the U.S. from 1908 to 1923, 130 would leave.<sup>52</sup> Far fewer Europeans emigrated back to Europe.<sup>53</sup> During an interview in the 1930s, a Chinese laundryman described feelings among Chinese Americans causing return migration, “I have no other hope but to get my money and get back to China. What is the use of being here, you can’t be American here.”<sup>54</sup> Despite being citizens, Chinese Americans were treated like foreigners and couldn’t travel freely in the U.S. or abroad.<sup>55</sup>

*U.S. v. Wong Kim Ark* allowed Chinese Americans to exercise their rights as citizens to own property despite barriers like the Alien Land Laws. Alien Land Laws prevented non-resident aliens from owning land and having permanent domicile in the U.S.<sup>56</sup> Initially, these laws ensured American land was farmed by local farmers.<sup>57</sup> They were extended to include U.S. residents who were immigrants, specifically the Chinese in California.<sup>58</sup> Under *U.S. v. Wong Kim Ark*, Asian immigrants were able to own land if they had a child who was a citizen through

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<sup>49</sup> Lee, *At America’s Gates*, 237-240.

<sup>50</sup> Lee, *At America’s Gates*, 237-240; Kenyon S. Chan, “U.S.-Born, Immigrant, Refugee, or Indigenous Status: Public Policy Implications for Asian Pacific American Families,” Edited by Gordon Chang, *Asian Americans in Politics*, 204.

<sup>51</sup> U.S. Census Bureau, “The Asian Population: 2010. U.S. Census Bureau, Mar. 2012,” [www.census.gov/prod/cen2010/briefs/c2010br-11.pdf](http://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf).

<sup>52</sup> Lee, *At America’s Gates*, 237.

<sup>53</sup> *Ibid.*, 237.

<sup>54</sup> *Ibid.*, 237.

<sup>55</sup> *Ibid.*, 238.

<sup>56</sup> Volpp, Leti, “Obnoxious To Their Very Nature: Asian Americans and Constitutional Citizenship,” *Asian Law Journal*, (vol. 5, no. 57, 2001), 73, 77.

<sup>57</sup> Klug, Heinz. Personal Interview (taken by August Neumann at the office of Dr. Heinz Klug at University of Wisconsin Law School) 13 Dec. 2019.

<sup>58</sup> Alien Land Law of 1920, *Cal. Stat.*, 1920.

birthright citizenship. Nevertheless, California still tried to prevent Asian immigrants' children from owning land.<sup>59</sup> In *People v. Oyama*, Oyama successfully relied on *U.S. v. Wong Kim Ark* to affirm his son's right to own land as a citizen.<sup>60</sup> As shown in *People v. Oyama*, Wong Kim Ark broke the barrier for Asian Americans in a palpable way by helping them assert their rights as citizens to own land.

Today, *U.S. v. Wong Kim Ark* is under attack.<sup>61</sup> In an interview aired on HBO, President Donald Trump said, "We're the only country in the world where a person comes in and has a baby, and the baby is essentially a citizen of the United States for 85 years with all of those benefits." He added, "It's ridiculous. It's ridiculous. And it has to end."<sup>62</sup> Today's politicians refer to people like Wong Kim Ark as "anchor babies," a term that is similar to "accidental citizen," a phrase used in the 1800s.<sup>63</sup> The phrase doesn't have much meaning as Dr. Heinz Klug, Constitutional Law professor at the University of Wisconsin Law School explained: "What's interesting is that I've never seen any case or any law where somebody is allowed to stay here because they have a child who is a citizen, it hasn't happened. So what kind of anchor is that?"<sup>64</sup> Bills and cases that would challenge birthright citizenship have been proposed and brought, but have never succeeded.<sup>65</sup> The possibility of a Constitutional amendment is farfetched. Although

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<sup>59</sup> *People v. Oyama* 29 Cal.2d 164 (1948).

<sup>60</sup> *Ibid.*

<sup>61</sup> Kanno-Youngs, Zolan. "Trump Moves to Block Visas for Pregnant Women on 'Birth Tourism.'" *The New York Times* [New York], 23 Jan. 2020. *The New York Times*, [www.nytimes.com/2020/01/23/us/politics/trump-travel-ban-pregnant-women.html](http://www.nytimes.com/2020/01/23/us/politics/trump-travel-ban-pregnant-women.html). Accessed 26 Jan. 2020; Lyons, Patrick J. "Trump Wants to Abolish Birthright Citizenship. Can He Do That?" *The New York Times*, 23 Aug. 2019, [www.nytimes.com/2019/08/22/us/birthright-citizenship-14th-amendment-trump.html](http://www.nytimes.com/2019/08/22/us/birthright-citizenship-14th-amendment-trump.html).

<sup>62</sup> Fred Barbash, "Birthright Citizenship: A Trump-inspired history lesson on the 14th Amendment.

<sup>63</sup> Lyons, Patrick J. "Trump Wants to Abolish Birthright Citizenship. Can He Do That?"

<sup>64</sup> Klug, Heinz. Personal interview, 13 Dec. 2019.

<sup>65</sup> Congressional Research Service. *Birthright Citizenship and Children Born in the United States to Alien Parents: An Overview of the Legal Debate*, pp. 10-13, pp. 17-21.

unlikely, it's possible the Supreme Court could revisit *Wong Kim Ark* and adopt the dissenting argument. As it stands, the case has not reached fame, but could be rediscovered if *jus soli* is challenged again. Dr. Klug explained *Wong Kim Ark*, "... is overshadowed by the fact of what it was really in relation to. The 14th Amendment. The 14th Amendment wasn't as it was created, thinking about Wong Kim Ark. What it was thinking about was *Dred Scott*."<sup>66</sup> Dr. Klug went on to consider whether the case will ever be a famous part of the legal canon, stating: "This [case] very well could rise if the issue of *jus soli* became really seriously on the table again. Then it will become a famous case. It becomes a famous case, why? Because law professors will teach it."<sup>67</sup>

### **Conclusion**

Wong Kim Ark fought to expand birthright citizenship to include all races. Prevalent social prejudices against Chinese Americans, the Chinese Exclusion Act, and other laws with similar discriminatory intent initially mitigated the impact of *U.S. v. Wong Kim Ark*. After 122 years, *U.S. v. Wong Kim Ark* may be in jeopardy because legislation, executive orders, and political movements aimed at eliminating birthright citizenship for people of particular races and religions are coalescing in an effort to reassemble the barrier Wong Kim Ark dismantled.

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<sup>66</sup> Klug, Heinz. Personal interview, 13 Dec. 2019.

<sup>67</sup> *Ibid.*



## Annotated Bibliography

### Primary Sources

California State Legislature. Alien Land Law of 1920. *Cal. Stat.*, 1920.

This source is used to show how there were many barriers preventing the Chinese Americans from enjoying their citizenship. The Alien Land Laws prevented the Chinese Americans from owning land.

Webb-Heney or the Alien Land Law of 1913. *Cal. Stat.*, vol. 1913, 1913, p. 206.

This source is used to show how there were many barriers preventing the Chinese Americans from enjoying their citizenship. The Alien Land Laws prevented the Chinese Americans from owning land.

U.S. Supreme Court (U.S.). *Oyama v. California*. *United States Reports*, vol. 332, 19 Jan. 1948, p. 633.

This case is about a man who bought a farm for himself in his son's name because the Alien Land laws prevented him from buying it himself and *Wong Kim Ark* allowed his son to be a citizen of the U.S. He was not allowed to become a citizen and own property due to him being an Asian immigrant and the Naturalization Law of 1790. White people saw this practice as getting around the rules, but it wasn't.

United States, Congress. Chinese Exclusion Act of 1882. *United States Statutes at Large*, vol. 22, 6 May 1882, p. 58.

I wrote about the Chinese Exclusion Act of 1882 as it was a major barrier for Chinese immigrants. The U.S. argued in the case that the Act could overrule the 14th Amendment, but the Court disagreed.

United States Naturalization Law of March 26, 1790. *United States Statutes at Large*, vol. 1, 26 Mar. 1790.

This law barred Wong Kim Ark's parents from being citizens. I referenced this in the part of my paper about WKA's life before the case.

Supreme Court. *Wong Kim Ark v. United States*. *United States Reports*, vol. 169, 28 Mar. 1898, p. 649.

I printed the case and read it. I highlighted parts I wanted to quote. By reading the case thoroughly, I was able to analyze the case in my paper with ease. I also used the facts of the case. Analysis of the case was the bulk of my paper, therefore the case itself was my most important source. It was necessary to quote crucial excerpts from it to explain and show the points of view of the U.S., Wong Kim Ark, and the Court.

U.S. Supreme Court (U.S.). *Fong Yue Ting v. U.S. United States Reports*, vol. 149, 15 May 1893, p. 698.

I referenced this Court case in my analysis of *U.S. v. Wong Kim Ark* because *Fong Yue Ting v. U.S.* set precedent for Wong Kim Ark's case. The Court went against the precedent set in *Fong Yue Ting* and WKA became the new precedent.

*Yick Wo v. Hopkins. United States Reports*, vol. 118, 10 May 1886, p. 356.

I researched this case because it was about barriers preventing the Chinese from owning businesses, specifically laundries. It didn't fit in my paper in the end, because my word count was too high and it wasn't as important as other parts of my paper.

US Constitution. Amendment XIV.

I quoted the 14th Amendment in my paper because *U.S. v. Wong Kim Ark* established birthright citizenship under it. Also, the legal arguments in the case were about interpretations of the 14th Amendment.

## Secondary Sources

Barbash, Fred. "Birthright Citizenship: A Trump-inspired History Lesson on the 14th Amendment." *The Washington Post*, 30 Oct. 2018, pp. 1-10.

I used this article to learn what President Donald Trump thinks about birthright citizenship and other prevailing political views of it today.

Barde, Bob. "Timeline of Chinese Immigration to the United States." *Chinese Immigration to the United States, 1884-1944 a Digital Archive*, U of California Regents. Accessed 21 Jan. 2020.

This timeline showed the population changes among the Chinese in the U.S. in relation to exclusion laws. It was very useful in showing the legal barriers Chinese Americans and immigrants faced.

Chang, Gordon. *Asian Americans and Politics: Perspectives, Experiences, Prospects*. Stanford, Stanford UP, 2002.

I used this source to learn about Asian Americans in politics. This section was going to go in my "after" section in my paper. I had too many subjects in my "after" category and this one wasn't as important as the others so I took it out to meet the word count.



Chang, Iris. *The Chinese in America: A Narrative History*. New York, Viking Adult, 2003.

This book was very helpful. I used it to learn about life in America for Chinese immigrants before *U.S. v. Wong Kim Ark*. It was also beneficial in understanding life after the case for Chinese immigrants. I also found an image of Wong Kim Ark in this book.

Cohn, D'Vera, and Wendy Wang. *The Rise of Asian Americans*. Edited by Paul Taylor, Washington D.C., Pew Research Center, 19 June 2012. *Pew Research Center Social & Demographic Trends*. Accessed 12 Nov. 2019.

This information is about Asian Americans and their distribution around the country and level of education and their views on politics and the country. This will show the effects of Wong Kim Ark today or if there weren't any.

Kanno-Youngs, Zolan. "Trump Moves to Block Visas for Pregnant Women on 'Birth Tourism.'" *The New York Times* [New York], 23 Jan. 2020. *The New York Times*. Accessed 26 Jan. 2020.

President Trump did this just as I was making citations in my paper. This law was directed at wealthy Chinese people trying to have children in the U.S. It proves the relevancy of birthright citizenship in today's politics as this law was made very recently.

Klug, Heinz. Interview. 13 Dec. 2019.

I interviewed a Constitutional Law professor from the University of Wisconsin Law School. It was an enlightening conversation. I quoted him numerous times in my "today" section of my paper. We talked about why the case has been overlooked and birthright citizenship today. We also conversed about the principles of *jus soli* and *jus sanguinis*.

Lee, Erika. *At America's Gates*. Chapel Hill, UNC Press, 2003.

This book was useful for my section about life before *U.S. v. Wong Kim Ark* for Chinese immigrants and life after the case.

Lyons, Patrick J. "Trump Wants to Abolish Birthright Citizenship. Can He Do That?" *The New York Times* [New York], 23 Aug. 2019. *The New York Times*. Accessed 26 Jan. 2020.

This recent article proves that Donald Trump is against birthright citizenship and therefore it is under attack.

Thomas, Brook. "China Men, United States V. Wong Kim Ark, and the Question of Citizenship." *American Quarterly*, vol. 50, no. 4, Dec. 1998, pp. 689-717.

This goes into detail about Wong Kim Ark.

United States, Congress, Congressional Research Service. *Birthright Citizenship and Children Born in the United States to Alien Parents: An Overview of the Legal Debate*. Congressional Research Service, 28 Oct. 2015.

I used this source to learn about prevailing political and legal views regarding birthright citizenship today.

House, U.S. Census Bureau. *The Asian Population: 2010*. U.S. Census Bureau, Mar. 2012. Accessed 17 Jan. 2020.

This census data was used to show that Asian-Americans didn't move around the U.S. at high rates. I used this information in the "after" section of my paper when showing that barriers still existed towards the Chinese and made them fearful of moving to other parts of the U.S.

Volpp, Leti. "'Obnoxious To Their Very Nature': Asian Americans and Constitutional Citizenship." *Asian Law Journal*, vol. 5, no. 57, 2001, pp. 71-87.

I used this source to learn about the Alien Land Laws.

Wallace, Kelly. "Forgotten Los Angeles History: The Chinese Massacre of 1871." *Los Angeles Public Library*, 19 May 2017. Accessed 26 Jan. 2020.

I used this article by a librarian in the Los Angeles Public Library history department to describe the Chinese Massacre of 1871. The section I wrote about the massacre went in life before Wong Kim Ark.