Lesson: Chinese in America: Two Landmark Supreme Court Cases

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About this lesson: Students will examine how a pair of 19th Century Supreme Court cases featuring Chinese Americans and Chinese immigrants (*U.S. v. Wong Kim Ark* and *Yik Wo v. Hopkins)* helped to clarify and expand the protections of the 14th Amendment. Students will then consider the enduring relevance of these rulings by examining a contemporary real-life lawsuit in Philadelphia.

Grade Level: 9-12

Resources:

1. Excerpt (2 minutes, 39 seconds) from Ric Burns and Li-Shin Yu, dirs., *The Chinese Exclusion Act*

https://www.pbs.org/wgbh/americanexperience/features/chinese-exclusion-act-united-states-v-wong-kim-ark/

2. Handout containing Section 1 of the 14th Amendment and Section 14 of the Chinese Exclusion Act.
3. Handout with facts of the *Yik Wo v. Hopkins* case
4. https://www.phillymag.com/news/2018/11/15/chinese-restaurants-philadelphia-lawsuit/
5. "Nationality," Episode 03 of the podcast *Constitutional* (48:45) [as potential homework or enrichment assignment]

Classroom Time: 1 class period of 50 minutes (with additional activities for homework or extended blocks)

Objectives:

- Students will explore the tension between the United States as an inclusive nation and an exclusionary nation through the lens of Chinese and Chinese American legal challenges in the 19th Century.
- Students will analyze how the U.S. Supreme Court interpreted key provisions of the 14th Amendment and why these rulings are seen as significant "landmark cases."
- Students will understand the origins and implications of "birthright citizenship."
- Students will apply legal precedent to a contemporary case.

Standards:

Wisconsin Social Studies Standards

- SS.PS2.c.h Analyze how the U.S. Supreme Court has allowed the restriction and enabled the expansion of rights for groups.
- SS.PS1.b.h Analyze landmark Supreme Court decisions regarding how the Constitution and the Bill of Rights limit the government, protect individual rights, support the principle of majority rule while protecting the rights of the minority, and promotes
- SS.Hist3.b.h Evaluate historical perspectives to create arguments with evidence concerning current events.
- SS.Hist3.c.h Evaluate and justify predictions of potential outcomes of current events based on the past.

Lesson

Opening Activity: [5-10 minutes minutes]

A. In groups students will respond to the prompts: What determines a person's citizenship? How does a person become an American citizen? Groups should generate the two paths to gain American citizenship (birth, naturalization).
B. Next provide students with the handout containing the text of Section 1 of the 14th Amendment and Section 14 of the Chinese Exclusion Act. Have students rewrite the provisions in their own words on the board [You can challenge them to summarize the main takeaway in 8 words]. Have students identify and discuss the tension/conflict between these two policies.

Case Study One: *U.S. v. Wong Kim Ark* (1898) [15 minutes]

A. Play the excerpt from *The Chinese Exclusion Act* focused on Wong Kim Ark. [2:39]

As they watch students should take notes on the following:

- What was Wong Kim Ark's main claim to U.S. citizenship?
- Why did the government argue that Wong Kim Ark was not a citizen?
- What did the Supreme Court rule and why was this considered a landmark decision?

B. Students will share their answers in small groups and then as a whole group discussion [10 minutes]

Case Study Two: *Yik Wo v. Hopkins* (1886) [25 minutes]

A. Introduce the case with the guiding questions: Can a "colorblind" law [a law that does not explicitly target any racial group] still be discriminatory? Have students generate examples from contemporary society (e.g. "stop and frisk"). [5 minutes]
B. Give students the handout with the facts of the *Yik Wo* case. In small groups (2-3 students) students will read the facts and create a T-chart with evidence that the law "Does Not Violate the 14th Amendment" in one column and evidence that the law "Violates the 14th Amendment" in the other. Share out conclusions.[10 minutes]
C. Provide students with the news story regarding a recent lawsuit brought by owners of Chinese restaurants in Philadelphia challenging a city ordinance. In small groups,

students will make another T-chart and then write a short “legal brief” as if they were lawyers representing the restaurant owners in the case. The brief should identify why the city ordinance is unconstitutional and make connections to the *Yik Wo* case. Time permitting, students can present their briefs orally.[15 minutes]

Homework/Extend the Lesson:
Students listen to the “Nationality” Episode of the Constitutional Podcast focusing on Wong Kim Ark’s court battle for U.S. citizenship and answer guided questions. Alternatively, this could be assigned as a lead-in to this lesson.