Lesson #2 Title: Giving Meaning to the 14th Amendment – Asian Americans and Civil Rights

Overview/Theme(s): Landmark decisions by the Supreme Court and other courts involved cases brought by Asian Pacific Americans that have served to defining the 14th Amendment and expand our understanding of civil rights.

Essential Questions:
1. What does the 14th Amendment say about citizenship, due process, and equal protection under the law?

2. What role does the American court system play in determining the meaning of the Constitution?

Objectives and Essential Understandings:
Students will learn that cases involving Asian Pacific Americans have been fundamental in interpreting the 14th Amendment’s rights and protections.
Students will demonstrate understanding that our system of government is not a perfect democracy but a work in progress – that at various times in our history we have promoted and implemented laws contrary to our Constitutional principles.
Students will gain an appreciation of the determination and courage shown by Asian Pacific Americans in challenging injustice and for the role they have played in the evolution of civil rights in the United States.

Activities: Discussion, interpretation, and analysis of primary source documents:

1. United States v. Wong Kim Ark (1898) - the landmark Supreme Court case affirming the principle of birthright citizenship as stated in the 14th Amendment: “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.” (1st page of District Court’s decision, prior to Supreme Court’s ruling.)

Mr. Wong was born in the U.S. about 1871 but was denied re-entry by the U.S. Government after visiting China in 1894 on the basis of the Chinese Exclusion Act of 1882. The Supreme Court upheld a lower court ruling in Wong’s favor deciding that Wong was, in fact, a U.S. citizen.
http://www.archives.gov/exhibits/documented-rights/exhibit/section2/detail/discharge.html
2. Photo of "Oriental Public School" and students in San Francisco, c. 1914: Connect its relationship to Tape vs. Hurley, California State Supreme Court, 1885. School integration case decided in Mamie Tape’s favor, ordering San Francisco Public Schools to admit Mamie, an 8 year-old Chinese American girl. The City schools circumvented the ruling by creating a school for “Chinese and other Mongolian children.” The case was ultimately superseded by Plessy v. Ferguson, 1896.
http://www.nwhm.org/online-exhibits/chinese/31.html

3. Korematsu v. United States, 1944, was one of two landmark Supreme Court cases upholding Executive Order 9066: the detention of Japanese Americans in internment camps during World War II. Unlike the first two examples, this case is more broadly known but is rarely analyzed or discussed in terms of the work done to bring the case forward and the dissents it provoked by three of the justices, two of whom wrote separate dissenting opinions. Significantly, the very appropriately named Civil Liberties Act of 1988 awarded financial reparations to surviving Japanese American internees.
http://www.homeofheroes.com/photos/6_ww2/inouye_infield.html

Assessment:

1. Compare and contrast these cases to other cases students may know or have previously studied.

2. Determine through discussion the relevance of these cases to present-day issues and conflicts in American society.