

Aim: Why has the issue of birthright citizenship been controversial throughout American history?

- Do Now: How did the Supreme Court rule in the case Wong Kim Ark v. United States (1898)?

- [President Trump and Birthright Citizenship](https://www.axios.com/trump-birthright-citizenship-executive-order-0cf4285a-16c6-48f2-a933-bd71fd72ea82.html)
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Birthright Citizenship

- a legal right to citizenship for all children born in a country's territory, regardless of parentage.
- **Naturalization** - the process by which U.S. citizenship is granted to a foreign citizen after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA)

Cherokee Nation v. Georgia (1831)

Background

- 1828 – gold discovered
- Georgia passes laws giving state control over white settlement on Cherokee lands

Supreme Court Decision

- Native American tribes cannot use federal courts
 - Native Americans are not citizens of the U.S. or a foreign nation
 - People without a country

Dred Scot v. Sanford (1857)

- Slaves were property
- African-American (slave or free) were not citizens of the United States and therefore could not sue in its courts.

Fourteenth Amendment (1868) – Citizenship

Section 1. 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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Questions:

- How does the 14th Amendment define citizenship?
- What is the difference between natural born citizenship and naturalized citizenship?

- How did the Supreme Court rule on the case Wong Kim Ark v. United States?
- Why do you think the court had a different opinion regarding citizenship rights for people of Chinese ancestry born on American soil and those who were native Americans? Do you think such a distinction should have been made? Why or Why not?