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Constitution Day Essay

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The Fourteenth Amendment - Rights Guaranteed by Citizenship

*Our citizenship in the United States is our national character.
Our citizenship in any particular state is only our local distinction.
By the latter we are known at home, by the former to the world.
Our great title is AMERICANS – or inferior one varies with the place. ~Thomas Paine*

The Constitution of the United States is a very unique document and should be celebrated every day, not just once a year. No other country in the world has a Constitution that is equal to our Constitution. The Constitution is the backbone of our nation; it is a document that we can rely on and trust. It not only gives us our rights and freedoms that we enjoy, and protects us from those who may want to take those rights away from us, but it also allows us to be citizens of this great nation. Since our Constitution was adopted on September 17, 1787, there have been twenty-seven amendments ratified to the Constitution. These twenty-seven amendments to the Constitution serve to clarify, solidify, and build on the ideas that were presented in the original wording of the Constitution. While some of the amendments are readily accepted and their meanings agreed upon by the majority of citizens, other amendments seem to lend themselves to many discussions about their meaning as well as disagreements about how they should be interpreted. Because our constitution can be changed and interpreted in different ways, it is a living document.

In our world today, the most pertinent amendment to our society as a whole is the Fourteenth Amendment. The Fourteenth Amendment consists of five clauses. The five clauses include the Citizenship Clause, Privileges Clause, Due Process Clause, and Equal Protection Clause. While all of the clauses are important and necessary, the focus of this essay will be on

the first clause, which grants citizenship to anyone born or nationalized in the United States. The first clause of the Fourteenth amendment states that, “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.” (www.loc.gov). This amendment is the most important amendment because it is what allows a person to be able to claim citizenship in this great nation. The Fourteenth Amendment is what allows all of the rights and privileges of the constitution to apply to each individual person on whom citizenship has been granted.

The Fourteenth Amendment was originally drafted and then ratified following the Civil War in 1868 during a period of time known as Radical Reconstruction. The purpose of this amendment was to grant citizenship and to give equal rights to the recently freed slaves. According to the Library of Congress, “The Fourteenth amendment granted citizenship to all persons born or naturalized in the United States, which included former slaves recently freed.” (www.loc.gov). This amendment was cited in many early civil rights cases including some very influential cases such as *Plessy v. Ferguson* and *Brown v. Board of Education*. These court rulings not only gave equal rights to the freed slaves, but also paved the way for many future civil rights cases involving other people groups who were also fighting for their equal right to citizenship. According to CBS News reporter Rebecca Kaplan, “Birthright citizenship comes from the Fourteenth amendment, it gave citizenship to former slaves and overruled the Supreme Court, which said in *Dred Scott v. Sandford* that slaves were not US Citizens.” (Kaplan).

Although the Fourteenth Amendment has been a part of our Constitution for almost one hundred and fifty years, its full meaning and interpretation is still not fully settled on.

This amendment has been debated and discussed on many different levels through out our nation's history. It is clearly evident how important and pertinent this amendment has been to our country when we consider some of the different court cases in which this amendment has been cited. According to the Library of Congress, the Fourteenth Amendment has been "cited in more litigation than any other amendment." (www.loc.gov). These court cases have established the definition and of the Fourteenth amendment. Citizens were able to cite this amendment and win their cases because of the freedom and rights given to them in this amendment. Some did not want these freedoms to be given away to everybody and according to political author Ian Millhiser, "The Fourteenth Amendment's promise of a freer, more equitable America came under attack almost immediately after its words were written into our founding document." (Millhiser). The discussion of who should be granted the right to citizenship has always been questioned in the past and continues to be a hot topic that is examined debates and speeches still today.

The Fourteenth Amendment has been the topic of many recent debates because of the increased number of immigrants in our country in recent years. The issue of immigration that has been on the frontlines of political discussions brings our attention back to this amendment. Our founding fathers had a desire to come to this land to live in a place where everyone could be free and equal. Working together our great leaders created a free and equal nation-a free and equal nation which we still enjoy today. Not only was this the focus of their desire hundreds of years ago, but still today many others have a desire to come to be a part of this free nation. Throughout many different regions of our world people are trying to escape the oppression that they face in

their countries, whether the oppression be because of policies, rulers, or finances, and they continually try to find refuge in our nation. Our country is unique in a variety of ways and many have aspired to make this land their home. It is essential to maintain the freedom of our country by allowing those who desire to fulfill their dreams of living out the American dream to come and be a part of our nation. While it is necessary to maintain the security of our country from those who may want to harm our nation, we need to remember that our nation is a great nation and this gives people from many different walks of life a strong desire to become a citizen of the United States.

For this reason, among others, the Fourteenth Amendment and the interpretation of this amendment has gotten a lot of attention from different politicians and pundits in recent days. The interpretation of this amendment and decisions that will be made about it can change the path of our country drastically. It has been said that the Fourteenth Amendment is a floor not a ceiling. This means that it serves as a foundation that we can build principles on and the direction and future of our country can be changed depending on how we move forward and build on this foundation. There are no limitations to this amendment. According to the legal analyst Ken Klukowski, “Congress could expand it [the Fourteenth Amendment] to grant citizenship to every human being on earth, or narrow it to its constitutional minimum.” (Klukowski). To change the amendment would be to change our country forever. Our country is a country of freedom and rights, which means a lot to many people. Millions of immigrants are attracted to America and they all have their own reasons for coming here. Some come to the United States because of its culture, others come for the economic opportunities, and many for the political liberties and freedom that we enjoy and many take for granted. American core ideals are what draw immigrants to our country. This amendment was not just ratified to give citizenship to freed

slaves, but this amendment was born to protect all Americans no matter who you are or where you came from. Today, it gives many more individuals a firm hope that they can become a part of our nation one day as well.

Without the Fourteenth Amendment guaranteeing our citizenship, the rest of the constitution would not necessarily apply to us. The original constitution mentions the word citizens and gives different rights and privileges to citizens, but it did not distinctly define what qualifies an individual to be a citizen. This is the most important thing that the Fourteenth Amendment gave to each and every individual person. It conferred upon us a definition of who should be considered a citizen and guaranteed that each person would have his or her individual rights. While some people may continue to argue and deliberate about who should be considered to be a citizen, without this amendment no one would be guaranteed citizenship. Thurgood Marshall was an Associate Justice of the Supreme Court of the United States and he was the first African-American justice. Thurgood Marshall sums up the crucial relevance of the Fourteenth Amendment when he stated, "Today's Constitution is a realistic document of freedom only because of several corrective amendments. Those amendments speak to a sense of decency and fairness that I cherish."

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