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Constitution Day Essay

A More Perfect Union:

Why the guarantee of citizenship and equal protection is essential to America.

“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.” Amendment XIV, the United States Constitution

Our nation was founded on the principles of liberty and freedom. Reflective of these principles is our Constitution, and in it we define what sets America apart as a nation conceived with a simple, yet at the time, revolutionary idea. An idea that all people are born with rights that may not be negated by man or any government. Rights which transcend generations and time, and are true throughout our nation's history, to all our nation's people. In an effort to 'create a more perfect union' the framers of our Constitution envisioned a nation conceived with an idea that all people born in it can go to achieve whatever dreams they wish to fulfill, and explore every opportunity that comes their way with a safeguard that their rights to liberty will never be

jeopardized. Of all the amendments in our constitution, no other amendment is as true to these ideals that the Fourteenth Amendment. Envisioned to safeguard our liberties and freedoms, the Fourteenth Amendment was passed during a difficult time in American history. But it stands as a testament to the enduring strength of American ideology, and today it stands as a promise of citizenship to every individual born in this land, and to anyone who will put in the effort to become a part of this nation, and to work towards ensuring the next generation is as equally protected, and ensured in their rights as citizen. Nothing is as essential to a nation as its citizen, and citizenship is a guarantee to all born on American soil. There are many who dare say The United States' concept of citizenship is misconstrued, or that it doesn't work. Citizenship, and the protection of rights for all people is an idea that America dares keep alive, and dares to challenge against those who want to speak up against it. The United States is exceptional because we dare go against the world's current, and with ever challenge, we grow more united, and more focused on the dream that this nation will survive many millennia. The framework of America is in our founding documents, but its visionaries would be just men and women with ideas if it weren't for the citizen who risked their lives in order to secure this foundation, and build upon it, together. The Fourteenth Amendment is an embodiment of this idea. The safeguards of citizenship is essential to this nation's society. The Fourteenth Amendment was envisioned due to profound injustices, and its history is one of tragedy and challenge. But is also a reminder that our union is not in any ways perfect, but to the citizen who are thankful to benefit from a nation where one has the opportunity to participate, this union is as perfect as can be despite its faults.

One hundred and forty seven years ago, the Fourteenth Amendment was ratified by the Congress of these United States. In it, our nation chose to affirm that citizenship is a guarantee to all born on American soil. There was no guarantee that this new addition to our nation's

framework would ever last. However, despite efforts to repeal and abandon the ideas that established the Fourteenth Amendment, these guarantees have survived almost a century and a half (Millhiser). The Fourteenth Amendment also brought forth change to the way Americans views our Constitution because the Fourteenth Amendment affirmed that we as citizen, by birth, or by naturalization, are subject to the laws and immunities forged and promised by the framers of our Constitution. According to the Fourteenth Amendment, as citizen, our rights to ‘life, liberty, and property’ cannot be taken away without ‘due process of the law’. Furthermore, the Fourteenth Amendment of our Constitution guarantees ‘equal protection of the law’ to all American citizen, regardless of, at the time, race or gender. The Fourteenth Amendment helped many people realize that they have freedoms.

Prior to the ratification of the 14th Amendment, the rights written in the Constitution, weren’t at all guaranteed to all citizen, and the concept of citizenship was non inclusive and prejudice (Millhiser). As stated by Chief Justice John Marshall in *Barron v. Baltimore* (1833), rights and provisions stated in the Constitution ‘must be understood as restraining the power of the General Government’ and that these rights were not ‘applicable to the sates’ (Millhiser). The Fourteenth Amendment, therefore, affirmed and guaranteed that all citizen of the United States are to be guaranteed the protections of rights, equally and freedom. The Fourteenth Amendment essentially ensured that all American citizen are subject to the laws found in the Constitution, and are also guaranteed the rights and protections founded in it as well. In our current society, there is nothing more important than the opportunity to participate freely and equally as citizen. From participating to in our electoral process, to being ensured that all Americans have the right to marry whoever it is they love, as affirmed by the Supreme Court of the United States just last June in *Obergefell v. Hodges* (2015) (Millhiser). We as Americans are moving towards a

society true to the words, written at a time of uncertainty, giving the gift of certainty to millions of Americans that were yet to be born. No matter the forces that seek to dismantle this certainty, our nation and its people, as a society have guaranteed that we are all equally protected citizen, and we each are given rights that may not be taken away. Whether the son of the Revolutionary War, or the daughter of immigrants, every person born or naturalized in this nation is equal under the protections of the law. No amendment stands truer to this promise than the Fourteenth Amendment of our Constitution. From time to time, certain aspects of America's idealism face opposition from voices within our own collection of vastly different ideas and opinions. These voices must not be silenced, but our will as a society to seek a democratic resolution must be encouraged. Birthright citizenship, as guaranteed in the Fourteenth Amendment, has been questioned, and challenged. America sets itself apart as a nation that allows one the right to citizenship by birth regardless of the legal status of the parents. This practice is essential in ensuring America remains as a leader in today's world. We must push for other nations to allow similar practices so that every person on this planet has the right to participate in the electoral processes that are the result of centuries of trial with error and eventual discovery and success. No movement threatens today's American society more than the opposition to the citizenship guarantees in the Fourteenth Amendment. Although the Fourteenth Amendment, contributes greatly to American society as a whole, it is worth noting the effects of this amendment on new Americans, those who are the first generation born in this nation, future voters and public servants who were gifted with the opportunity to participate in this American democracy. Looking back at the history of the opposition to the Fourteenth Amendment and citizenship highlights moments of xenophobia and despotism in our nation's history. America's identity is unique, and as a nation that values liberty we cannot allow the world to see us in the light of

hypocrisy. In the late nineteenth century, anti-Chinese sentiment led to a notion that birthright citizenship must come to an end (Terkel). Today, anti-Immigrant sentiment is presenting this same hateful argument. American society as a whole only benefits from the skills and insight of new Americans, and it is essential that we defend the practice of birth right citizenship. We need only to look at the dark history behind the Fourteenth Amendment to truly understand the illuminating effect it has had on America as a society, and how it has helped shape America as a beacon for other nations to follow suit in the practice of citizenship and equal protections. The concept of birthright citizenship has been an ideal present since our nation's founding, however, in the 19th century, as a result of the Dredd Scott decision, African Americans were denied that right. This mark the first time in our nation's history such measures were taken to strip someone of their rights to citizenship (Terkel). We have righted these wrongs with the ratification of the Fourteenth Amendment, and it only makes sense we continue to vow to never repeat the mistakes of the past, so that the next generation can be a bit more forgiving towards our own mistakes as citizen as they embark on a journey to discover that it truly means to be an American, citizen, and an equally protected member of a diverse society. The nature of the Fourteenth Amendment is to guarantee equal protection and the right to citizenship, including immigrant's children. As affirmed by the Supreme Court in United States v. Wong Kim Ark (1898), everyone born in the Unites States is entitled to citizenship regardless of the parents legal stats (Terkel). Let us defend the notion that was already won, that citizenship is a right. Four millions Americans are born every year, each one of them gaining equal status as a citizen, to what extend would it be justifiable to reject some as less equal than others? (Lesley) We cannot allow ourselves to regress to a period where some are a tier all their own, it is unacceptable and un-American. More importantly, how can we ever function as a society if we are ostracizing

Americans and forcing them into a position of statelessness (Lesley). As a society, we must participate in this democracy, and nothing is more important to current American society than this shared identity. We are all American, we are all as responsible as the other in ensuring this nation isn't ever forgotten, and the first step in ensuring this is in reaffirming that we are all equally protected and equal citizen, a fact that will remain as true tomorrow as it is today.

As a nation conceived in liberty, and as a nation that values diversity, the safeguards and protections found in the Fourteenth Amendment of citizenship and equal protection, define our society well. As a union that strives for perfection, we must acknowledge these faults, and as we look into the pages of our history, we must learn from what we read before we write the next chapter, all in the hopes that the voices of the next America will look back onto our promises and see them as fulfilled, and worthy of promising to tomorrow.

Works Cited

Millheiser, Ian. "The Troubled History of the Constitution's Most Important Amendment." Think Progress. 9 July 2015. Web.

Lesley, Bruce. "Born in the U.S.A." Huffington Post Politics. 4 Sept. 2015. Web.

Terkel, Amanda. "Racist Fears Have Long Driven Attempts To Restrict Birthright Citizenship." Huffington Post Politics. 18 Aug. 2015. Web.

"The Amendments." National Constitution Center. Web.

"The 14th Amendment." Cornell University Law School: Legal Information Institute. Web.