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Aim: How does the Fourteenth Amendment affect immigrant rights?

Objective:

1. Students will explore the meaning of the 14th Amendment and how it affects the right of immigrants.
2. How is the Fourteenth Amendment being used as a tool for and against present day and past immigrants?
3. How has a particular historical time influenced the interpretation of the Fourteenth Amendment?

Background: The Fourteenth Amendment (1861) was passed to define citizenship that was granted to African Americans. It stated that all those born or naturalized, regardless of former forms of servitude were citizens of the United States. The amendment also spoke of “due process”, a concept that was tested, defined, and redefined over time. Plessy v. Ferguson (1896) and Brown v. Board of Education (1953) are examples.

Vocabulary:

Due process of law= the procedures and protections that govern all criminal and civil cases in the United States

Handout#1:

FOURTEENTH AMENDMENT

(a portion)

Section I. 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 to any person within its jurisdiction the equal protection of the laws.

Question:

1. What are three items expressed in Section I concerning citizens?
2. After reviewing Plessy v. Ferguson, how and why was the Fourteenth Amendment used, tested, and finally interpreted by the Supreme Court?

Handout #2: Emma Goldman, A Citizen and Yet Deported

Document # 1 Political Cartoon “Uncle Sam bids good riddance to the deportees”

Document #2 Emma Goldman’s written recollections

Document #3 New York Tribune article

Question: After reviewing and discussing these three documents with your group:

1. Has the 14th Amendment been violated or successfully used in Emma Goldman’s case to rid the country of those it finds a threat?
2. How would you describe the atmosphere in the United States towards immigrants in the 1920s? Remember the Sacco/Vanzetti trial?

Handout #3: Korematsu v. United States case (website)

1. How did the bombing of Pearl Harbor affect our actions towards Japanese citizens?
2. How was the 14th Amendment interpreted? Was there “due process”? Was there “equal protection under the law”?

Handout #4: House Bill 2162 (State of Arizona)

1. Does ‘due process’ apply to illegal immigrants?
2. How would you argue the pro and con of the issue in the 14th Amendment guaranteeing those born in the United States as being citizens, of those who would like to change the amendment in response to those women who illegally cross the border to have a baby in the United States, thus guaranteeing the child’s right of citizenship?
3. How would you interpret, apply, or change the 14th Amendment in the above situation?

Application:

After reviewing the documents, your verbal and written responses, how would explain the Fourteenth Amendment to other students in the school newspaper editorial section and try to engage them in the current immigration debate generally and the current Arizona immigration bill.