

# CONSTITUTION DAY

## SEPTEMBER 17<sup>TH</sup>

### Citizenship and the U.S. Constitution

#### Lesson Overview

In this lesson students will examine the concept of “citizen” from a definitional perspective of what a citizen *is* and from the perspective of how citizenship is conferred in the United States. Students will discuss the rights and responsibilities of citizens and non-citizens and review the changing history of citizenship from colonial times to the present.

**Suggested Grade Level:** 9-12th grade

**Estimated Time to Complete:** One class period

#### Lesson Objectives

After completing this lesson, students will be able to

- define the meaning of *citizen* as it pertains to a democratic society,
- identify the essential rights and responsibilities of U.S. citizens,
- differentiate between a U.S. citizen and a permanent resident,
- explain how citizenship is conferred in the United States, and
- evaluate, take, and defend positions on changing citizenship requirements.

#### Materials Needed

- [U.S. Constitution](#)
- [The amendments to the Constitution](#)
- Student Handout 1: Democratic Citizenship
- Student Handout 2: Citizens and Permanent Residents
- Student Handout 3: The Changing View of Citizenship in the United States

## Lesson Procedure

**1. Begin the lesson.** Ask students the following questions:

- a) How often does the U.S. Constitution mention the word *citizen* or *citizenship*?
- b) How often are these terms mentioned in the amendments to the Constitution?
- c) What is your definition of the word *citizen*? Where or how did you learn it?

Place their answers on the board or on chart paper. Discuss with students whether their definitions actually describe what a citizen is or whether they describe a person to whom citizenship is conferred. What is the difference between the two?

**2. What does it mean to be a citizen?** Place the following definitions on the board:

**Citizenship** means membership in a “body politic” or state. In a democracy, the citizens collectively own the government. Citizens have established their government solely for their own benefit and regularly have the opportunity to change it at the ballot box if it does not meet their needs and expectations. (From *Elements of Democracy*, p. 35)

A **citizen** is person who is a legal member of a nation, country, or other organized, self-governing political community, such as any of the fifty U.S. states. (From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 337)

Ask students to read the definitions and explain their meaning. What implications about the roles of citizens do these definitions suggest? Are there certain rights and privileges that belong to citizens? Are there certain responsibilities that fall on those who are citizens? What responsibilities of citizens help to foster the well-being of democracy? What responsibilities do citizens have to monitor the adherence of public officials to constitutional principles? List their answers on the board or on chart paper.

Have students read Student Handout 1: Democratic Citizenship and compare their responses listed on the board with those found in the reading.

**3. Rights and responsibilities of non-citizens.** Working in pairs, students should determine whether the rights and responsibilities of citizens belong to anyone else. Which of these may belong to “all persons,” which may belong to permanent resident aliens, and why? When the students have completed their work, ask several randomly chosen dyads to share their responses. You may choose to have your students read Student Handout 2: Citizens and Permanent Residents.

**4. But who is a citizen?** Divide the class into six small groups. Each group’s task will be to review the sections assigned and note any reference to the terms *citizen* or *citizenship*. Group 1 should review Article I of the Constitution, Group 2 should review Articles II and III, Group 3 should review Articles IV through VII, Group 4 should review the Bill of Rights, Group 5 should review Amendments 11 through 18, and Group 6 should review Amendments 19 through 27.

When the groups have completed their tasks, they should share their information with the class and answer the following questions:

- a) How were the references to *citizen* or *citizenship* used in their segment of the Constitution?
- b) Did they find a definition of what a citizen is? If they did, where is the definition and what did the passage say?
- c) Did they find a definition of who can be a citizen? If they did, where is the definition and what did the passage say?

Students should be able to show that although the Constitution does not give a definition of what a citizen is, the Fourteenth Amendment does explain how citizenship is conferred. In other words it defines *who* is a citizen.

A discussion should ensue about the history of the Fourteenth Amendment and the issue of citizenship since the creation of the U.S. Constitution itself. The following questions may help develop this discussion. (You can choose to have students read Student Handout 3: The Changing View of Citizenship in the United States to aid the discussion or summarize it afterward.)

- a) How did views of citizenship change between the colonial period and the period after the Revolutionary War?
- b) Why might the Founders have not defined citizenship in the body of the U.S. Constitution when writing it?
- c) Why was there a need for the Fourteenth Amendment?
- d) How can a person be “naturalized”?
- e) In what three ways can citizenship be conferred in the United States? Which is the most commonly used method?
- f) How have views of citizenship changed for Americans today?

**5. Concluding the lesson.** Divide the class into groups of four or five students. Have half of the groups answer the following questions:

Review the rights and obligations of citizens and permanent residents.  
Would you change or alter any of the rights and obligations of either group?  
Why or why not? Indicate and describe what those changes might be, if any.

The remaining groups should grapple with the following questions:

Review the ways in which citizenship is conferred.

Would you change or alter the ways in which people can become citizens? Why or why not?

What changes, if any, would you make? Why?

When the students have completed their work, they should share their responses and a class discussion on students' views and their proposed changes should ensue.

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#### Student Handout 1: Democratic Citizenship

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#### Democratic Citizenship

From *Elements of Democracy*, p. 36

Democracy can succeed only if its citizens support it. This is especially true of a new democracy or a society in transition to democracy. It has been said that “there can be no democracy without democrats.” That is, democracy cannot be sustained without a sufficient number of citizens who have some understanding of what is required for democracy to succeed and a will to act on its behalf. It has also been said that “freedom isn’t free.” It requires sustained effort by its supporters. For these reasons, democratic citizens need to understand the roles of citizens and act to fulfill them.

- Citizenship means membership in a “body politic” or state. In a democracy, the citizens collectively own the government. Citizens have established their government solely for their own benefit and regularly have the opportunity to change it at the ballot box if it does not meet their needs and expectations.
- To be successful, citizens must accept and fulfill their public roles in the political system.
  - In one of their roles, democratic citizens are members of the sovereign People who exercise their sovereignty periodically during elections, when they choose those who will make and carry out laws. The citizen’s role as part of the sovereign people requires participation.
    - Citizens must inform themselves about the affairs on which they are asked to make decisions at elections.
    - Citizens must vote in elections, ensuring at a minimum that those whom they choose for public office support democracy and democratic values.
    - Citizens should find ways to participate responsibly between elections, ensuring, for example, that any organizations they join are committed to the preservation of democratic values and institutions.

- In another of their roles, citizens are subject to the laws that their representatives make. This requires citizens' willingness to obey the law, including those with which they do not agree.

## **The Rights and Responsibilities of Democratic Citizens**

From *Elements of Democracy*, pp. 41–42

Citizenship is membership in a politically organized society. Democratic citizenship may be considered a public office like any other; therefore, because in a democracy citizens are sovereign, they collectively hold the highest office in the land. All public officials are but servants—public servants—of the sovereign citizenry.

Because democratic citizenship is such an essential aspect of democracy, it is fundamental that citizens understand their rights and responsibilities and make a serious commitment to defending democracy by defending the civic rights of all citizens.

Some rights of citizens are conceived to be shared by all human beings; others are the creation of law made under the constitution of a politically organized society. The first set of rights is called “human rights”; the second set is “legal rights,” rights under law—rights created by law. With certain exceptions, rights imply responsibilities; that is, claims to rights for oneself imply a responsibility to respect similar rights for others. This relationship is known as “reciprocity,” since rights claimed for one person must necessarily be allowed for others.

A summary of the rights and responsibilities of citizens includes, but is not limited to the following:

### **Rights of Citizens**

- Citizens of a politically organized society are commonly held to retain all fundamental human rights conceived to apply to them simply on account of being human, beginning with the rights to life and to political and personal liberty.
- Fundamental rights include the following:
  - Political rights, such as the right to vote and stand for office in free, fair, and regular elections; and freedom of political speech and political association.
  - Economic rights, such as the right to own property; to buy and sell in the market and to a market-based economy; to organize and join labor unions; to leave any employment; to establish businesses; and not to be subject to confiscatory taxation.
  - Personal rights, such as freedom of conscience and religion; freedom of expression; freedom of association; the right to privacy; freedom to move about one's country and live where one pleases; and the right to travel abroad and return home unimpeded.

- Some rights may be related to others in various ways. For example, political rights are closely related to economic rights, since if government owns or controls all or nearly all property, the economic basis for political liberty will be tenuous or nonexistent.

## **Responsibilities of Citizens**

Important responsibilities and obligations of citizens include the responsibility to

- obey law that is consistent with the nation's constitution, including obligations to
  - keep the peace
  - pay taxes
  - serve in the armed forces and/or perform public service
- support the nation's constitution, including the
  - responsibility to reject political candidates who advocate rejection of the constitution
  - responsibility to reject polices that contradict the constitution
- vote in democratic elections
- stay informed about public affairs
- participate in public affairs through avenues of their choice
- be loyal to the nation and its constitution, including monitoring the adherence of political leaders and government agencies to constitutional principles and taking appropriate action when such adherence is inadequate

In addition, citizens have a responsibility not to

- adhere to the enemies of democracy and of the nation
- commit treasonous acts
- harbor or aid those committing treasonous acts

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#### Student Handout 2: What Are the Rights of Citizens and Resident Aliens?

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#### What Are the Rights of Citizens and Resident Aliens?

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 251

Most rights in the United States belong to everyone who lives here. Like citizens, permanent residents who have been lawfully admitted to the United States can live and work anywhere in the country. They qualify for Social Security, Supplemental Security Income, and Medicare benefits. They can own property and qualify for state driver's licenses, attend public schools and colleges, join the armed forces, and purchase and own a firearm if they satisfy the requirements. The guarantees of equal protection and due process in the Fourteenth Amendment apply to all persons, not just citizens. The guarantees in the Bill of Rights similarly apply to persons, not just citizens. All persons have the right to assemble peaceably, speak, and petition government for a redress of grievances.

For the most part only citizens can hold public office. Residency requirements usually accompany citizenship requirements for holding office, whether for governor or member of Congress. Only the president must be a “natural born” citizen of the United States.

Being a citizen did not always mean that one was allowed to vote. For many years women and free African Americans were not permitted to vote, even though they unquestionably were citizens. Citizens living in the District of Columbia could not vote for president until passage of the Twenty-third Amendment in 1961. Congress has extended citizenship to residents of territories, such as Puerto Rico, but these citizens cannot vote in national elections when they live in their territorial homes and so, like residents of the District of Columbia, they are not represented in Congress. Age requirements for the franchise—the right to vote—still apply to all citizens. Since ratification of the Twenty-sixth Amendment in 1971 voters must be at least eighteen years old. Many states also prohibit citizens who have been convicted of felony crimes from voting.



A contemporary issue regarding the right to vote is whether aliens—people who are not citizens—should be allowed to vote in American elections. Many states and a number of territories allowed non-citizen voting during some portion of the eighteenth and nineteenth centuries. Vermont, for example, originally permitted aliens to vote if they met the state’s property, race, sex, and age requirements. Some states allowed such voting for relatively few years and others for several decades and in a few cases longer.

Defenders of alien voting today argue that resident aliens are affected by local public policies as much as citizens are, and such residents should have a say in how they are governed. Aliens pay taxes just as citizens do. The children of aliens attending schools are affected by school policy as much as the children of citizens. Therefore, alien children’s parents should also have the opportunity to play a role in governing schools.

Opponents argue that alien voting makes American citizens and aliens all but indistinguishable. Alien voting, they say, is a step toward the loss of sovereignty and self-government by the nation and its citizens. If aliens wish to vote, then becoming American citizens allows them to do so.

### **What Are the Responsibilities of Citizens and Resident Aliens?**

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 253

Citizens and resident aliens share many responsibilities. For example, everyone has a duty to obey the laws and pay taxes. Men must register with the Selective Service when they turn eighteen years of age.

Citizens have additional responsibilities, including casting informed ballots in elections and serving on juries. Some people find jury duty burdensome because it takes them away from work, home, or leisure. However, the constitutional right to trial by a jury of one’s peers depends on the willingness of citizens to serve as jurors when called. Juries also help to ensure that government officials who initiate criminal prosecutions do not abuse their power.

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#### Student Handout 3: The Changing View of Citizenship in the United States

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From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 248

For many years American colonists thought of themselves as British subjects. Many later began to think of themselves as Americans. However, they initially thought of themselves as Americans who were citizens of particular colonies.

After the Revolution each of the original thirteen states was an independent, sovereign political community. When Americans talked about “my country,” they usually meant their particular states. Most states welcomed the foreign-born because immigrants brought financial and human resources. However, some states imposed property and religious qualifications for citizenship. Most also imposed residency requirements, typically ranging from one to two years. Many states permitted only “free whites” to become citizens. Native Americans usually were regarded as members of foreign nations.

Although the “United States of America” had existed since July 4, 1776, the tension or ambiguity between the “united” portion of the equation (singular) and the “states” portion (plural) was plain for all to see. Americans felt themselves bound more to their states than to the Union, which was a central problem of the Articles of Confederation period (1781–1788). One of the primary goals of leaders such as James Madison at the Philadelphia Convention was to create a national government that would lead Americans to think of their country as the United States, not their individual states.

One way the tension between state and national identity surfaced at the Philadelphia Convention was in debates over the requirements for holding public office under the proposed Constitution. The delegates eventually agreed that to serve in the House of Representatives, a person must be “seven Years a Citizen of the United States.” To serve in the Senate, a person must be “nine Years a Citizen of the United States.” To be president, a person must be a “natural born Citizen” or a “Citizen of the United States at the time of the Adoption of this Constitution.” However, it was significant that the

delegates could not agree on the definition of national citizenship. To do so would have required deciding whether slaves, former slaves, and free African Americans were citizens of the United States. The delegates were so deeply divided on that issue that they left the definition of citizenship to the states. Thus, under the 1787 Constitution the definition of national citizenship depended on state definitions.

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 124

The Civil War resolved several constitutional issues. To begin with it resolved the issue of slavery. The Thirteenth Amendment, ratified in 1865, abolished slavery “within the United States, or in any place subject to their jurisdiction.”

It also ended the idea of secession as a constitutional right and with it the vision of the Union as a mere federation of states. States continued to enjoy significant power and independence in the system of federalism, but the Civil War marked the beginning of a development that has continued to the present day, namely, the supremacy of the national government.

The Union victory also led for the first time to a definition of national citizenship. Soon after the war, as Union troops withdrew from the defeated states, white Southerners quickly began passing laws called Black Codes. These statutes, which appeared to protect the rights of African Americans, in fact prevented former slaves from developing the political power they might have gained with education and the right to vote. The Black Codes severely limited the rights of African Americans to own property, travel, and work for pay on acceptable terms.

It soon became clear to members of Congress that the Thirteenth Amendment was not enough to protect the rights of former slaves. In an attempt to provide help, Congress passed the Civil Rights Act of 1866—over the veto of President Andrew Johnson, who had succeeded to the presidency on April 15, 1865, following Lincoln’s assassination. Despite this legislation, little changed.

As a result of continuing concerns Congress drafted the Fourteenth and Fifteenth Amendments to the Constitution. The Fourteenth Amendment (1868) declared among other things that all persons born or naturalized within the United States are citizens. The amendment thereby nullified the Supreme Court’s decision in *Dred Scott*. The Fourteenth Amendment also prohibits states from making or enforcing any law that abridges the privileges or immunities of citizens or denies due process or equal protection of the law.

The Fifteenth Amendment (1870) prohibited both national and state governments from denying citizens the right to vote because of their race, color, or status as former slaves. From the late 1860s and into the 1890s large numbers of African Americans voted. They gained considerable political power and used it to protect their rights. All three

amendments gave Congress power to enforce them by “appropriate legislation.” That power would transform the relationship between the national government and the states.

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 248

### **How Is Citizenship Conferred in the United States?**

The Fourteenth Amendment, ratified in 1868, provides 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.”*

This clause defines national citizenship and says that national citizens also are citizens of the states in which they live. As citizens of both the United States and the states in which they reside, citizens have authority over and responsibility for the proper functioning of their state and local governments as well as the national government.

The Fourteenth Amendment uses the principle of *jus soli*, a Latin phrase meaning “law of the soil” or “right of birthplace.” This means that any child born in the United States is a citizen of the United States, even if the child’s parents are not citizens, which includes persons who are merely visiting the country. Congress has declared that the soil of the United States includes Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands.

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, p. 249

### **How Is a Person Naturalized?**

Naturalization is the legal process by which a foreign citizen becomes a citizen of the United States. Citizenship through naturalization may be granted to individuals or entire populations by statute or treaty, as has occurred in Alaska, Hawaii, Texas, Puerto Rico, Guam, the Northern Mariana Islands, and the Virgin Islands.

Naturalization is tied to U.S. immigration policy, because only those who are lawfully admitted to the United States can become citizens. Article I of the Constitution gives Congress the power to establish uniform rules for naturalization. U.S. Citizenship and Immigration Services administers naturalization laws. The criteria for naturalization have changed over time, but today individuals qualify for naturalization if they

- are at least 18 years old,
- have been lawfully admitted to the United States for permanent residence,
- have resided continuously in the United States for at least five years,
- show that they are of good moral character,

- demonstrate a belief in and a commitment to the principles of the Constitution of the United States, are able to read, write, speak, and understand words of ordinary usage in the English language, and
- take the following Oath of Allegiance:

*I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.*

Recent changes in the laws now make it easier for noncitizens serving in the U.S. military to become naturalized citizens.

From *We the People: The Citizen & the Constitution*, Level 3, fourth edition, pp. 250–251

The United States also recognizes as citizens the children born abroad to American citizens, even though those children may also be citizens of the country in which they were born. *Jus sanguinis*, “law of the blood,” is a principle in which citizenship is determined by parentage rather than place of birth, or *jus soli*.

Increased mobility of people and business throughout the world has resulted in greater acceptance of dual national citizenship in various countries. Countries that now permit dual national citizenship include Australia, Canada, France, Mexico, Spain, Switzerland, and the United Kingdom. Other countries, including China, Germany, India, Japan, Uganda, and Venezuela, do not permit dual national citizenship.

Current citizenship and immigration laws of the United States do not specifically address dual national citizenship. The State Department acknowledges the status but does not encourage dual citizenship, believing that it may cause problems, such as conflicting loyalties. However, many citizens believe that dual citizenship is not an issue to be resolved solely by the State Department.