

## Video 6: The Puzzle of Black Citizenship: Black Americans and the Birthright Principle

*Featuring Dr. Martha Jones, John Hopkins University, Department of History and SNF Agora Institute*

Who gets to partake in the political process of the United States and to what extent? How has the institution of voting been differentially applied and experienced? Who is considered a citizen and by extension what rights do they have? In [The Puzzle of Citizenship: Black Americans and the Birthright Principle](#), viewers will join Dr. Martha Jones in exploring how the complicated question of personhood and political participation are engaged with throughout the history of the United States.

### Key Concepts & Case Studies

- The ambiguity of Black citizenship [00:54 - 2:40]
- Black activism (NJ) [13:40 -14:28] (Rochester) [14:40 -16:00]
- The Dred Scott Decision, 1857 [17:20 - 21:00]
- Limitations of the 14th Amendment [25:00 - 27:00]

### New Jersey Student Learning Standards

#### Grades 6-8

6.1.8.CivicsDP.3.a: Use primary and secondary sources to assess whether or not the ideals found in the Declaration of Independence were fulfilled for women, African Americans, and Native Americans during this time period.

6.3.8.CivicsPR.3: Take a position on an issue in which fundamental ideals and principles are in conflict (e.g., liberty, equality).

6.3.8.CivicsPD.3: Construct a claim as to why it is important for democracy that individuals are informed by facts, aware of diverse viewpoints, and willing to take action on public issues.

6.3.8.CivicsHR.1: Construct an argument as to the source of human rights and how they are best protected.

6.1.8.CivicsDP.4.a: Research and prioritize the most significant events that led to the expansion of voting rights during the Jacksonian period.

6.1.8.CivicsHR.4.a: Examine sources from a variety of perspectives to describe efforts to reform education, women’s rights, slavery, and other issues during the Antebellum period.

6.1.8.HistoryUP.5.a: Analyze the effectiveness of the 13th, 14th, and 15th Amendments to the United States Constitution from multiple perspectives.

6.1.8.HistoryUP.5.b: Examine the roles of women, African Americans, and Native Americans in the Civil War.

### **Grades 9-12**

6.1.12.CivicsPI.3.a: Analyze primary and secondary sources to determine the extent to which local and state issues, publications, and the rise of interest group and party politics impacted the development of democratic institutions and practices.

6.1.12.CivicsDP.3.a: Compare and contrast the successes and failures of political and social reform movements in New Jersey and the nation during the Antebellum period (i.e., the 1844 State Constitution, abolition, women’s rights, and temperance).

6.1.12.CivicsDP.3.c: Examine the origins of the antislavery movement and the impact of particular events, such as the Amistad decision, on the movement.

6.1.12.HistoryUP.3.b: Examine a variety of sources from multiple perspectives on slavery and evaluate the claims used to justify the arguments.

6.1.12.HistoryCA.3.a: Use evidence to demonstrate how states’ rights (i.e., Nullification) and sectional interests influenced party politics and shaped national policies (i.e., the Missouri Compromise and the Compromise of 1850).

6.1.12.CivicsDP.4.a: Compare and contrast historians’ interpretations of the impact of the 13th, 14th, and 15th Amendments on African American’s ability to participate in influencing governmental policies.

6.1.12.CivicsPR.4.a: Draw from multiple sources to explain the ways in which prevailing attitudes, socioeconomic factors, and government actions (i.e., the Fugitive Slave Act and Dred Scott Decision) in the North and South (i.e., Secession) led to the Civil War.

6.1.12.HistoryCC.4.a: Analyze the extent of change in the relationship between the national and state governments as a result of the Civil War and the 13th, 14th, and 15th Amendments during the 19th century.

6.1.12.HistoryUP.4.b: Use primary sources to compare and contrast the experiences of African Americans who lived in Union and Confederate states before and during the Civil War.

6.1.12.CivicsDP.5.a: Analyze the effectiveness of governmental policies and of actions by groups and individuals to address discrimination against new immigrants, Native Americans, and African Americans.

## Review Questions

1. How did the 14th Amendment establish Black American's legal citizenship? If they had legal citizenship, why didn't Black Americans enjoy the privileges of citizenship after the 14th Amendment was passed?
2. What arguments did brothers Paul and Jonathan Cuffee make in their petitions for citizenship? How did they expose an ambiguity regarding citizenship in the Massachusetts state constitution?
3. How does US Attorney General William Wirt interpret Black citizenship within the context of state versus Constitutional law? How does the interplay between state and Constitutional law become complicated during the debate over Missouri's 1820/21 decision to bar Black migration into the state?
4. Who were the supporters of colonization? Who opposed it?
5. How do efforts by colonization proponents connect to Black Laws? What are some examples of Black laws passed at this time?
6. Why did Black activists turn to petitioning campaigns to fight for birthright citizenship? What other forms of activism did Black activists undertake?
7. How does the Supreme Court interpret Black citizenship in the Dredd Scott case in 1857? How does this decision affect Black citizenship in free and slave states?
8. How does the tide of opinion on Black citizenship change during the Civil War?
9. How does the Civil Rights Act of 1866 assure Black citizenship? Why did Congress pass this law before the passage of the 14th Amendment?

10. How does ambivalence on Black citizenship continue after the passage of the 14th Amendment? How does this ambivalence contribute to the creation of the 15th Amendment?
11. What are the limits of the 14th Amendment for Black Americans? What about other populations in the U.S.?

## Activities

1. Research court cases regarding U.S. women's, Chinese, Japanese, Mexican, and/or Native/Indigenous American citizenship. How does the interpretation of citizenship rights for those populations change over the course of American history? Are there still debates on the extent of citizenship or naturalization for these populations today?
2. Without a legal right to sue, Black Americans were limited in the ways they could affect the law. What tactics did Black activists use to represent their case for citizenship on state and federal levels? How are these strategies or new ones employed in the Civil Rights Movement in the U.S. in the 1950s and 60s?
3. Visit <https://www.uscis.gov/citizenship/civics-practice-test-2008> to take a U.S. citizenship practice test. Did you pass? Were you surprised by the questions asked in this test? Would you be eligible for U.S. citizenship if you had to take the actual test today? How does this test make applying for U.S. citizenship fair? Are there ways in which this test might be unfair?

## Resources

“Reconstructing Citizenship.” National Museum of African-American History & Culture.

<https://nmaahc.si.edu/explore/exhibitions/reconstruction/citizenship>

“African-American Odyssey.” Library of Congress.

<https://memory.loc.gov/ammem/aaohml/exhibit/aointro.html>

Legal Information Institute. Cornell Law School.

[https://www.law.cornell.edu/wex/immigration\\_law\\_key\\_supreme\\_court\\_cases](https://www.law.cornell.edu/wex/immigration_law_key_supreme_court_cases)

“10 Supreme Court Cases About the 14th Amendment.” National Constitution Center. <https://constitutioncenter.org/blog/10-huge-supreme-court-cases-about-the-14th-amendment>

“The Supreme Court and the 14th Amendment.” ACLU.  
<https://www.aclu.org/issues/racial-justice/supreme-court-and-14th-amendment>

“The Civil Rights Act of 1964: A Long Struggle for Freedom.” Library of Congress. <https://www.loc.gov/exhibits/civil-rights-act/civil-rights-era.html>

“Civil Rights Movement.” History.com. <https://www.history.com/topics/black-history/civil-rights-movement>

“Civil Rights Movement.” American Anti-Defamation League.  
<https://www.adl.org/education/resources/backgrounders/civil-rights-movement>