

Extended Controversial Issue Discussion Lesson Plan Template

Lesson Title: Citizenship and the 14th Amendment: Does it Need Revision?

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Appropriate for Grade Level(s): High School Civics Class

US History Standard(s)/Applicable CCSS(s): C13.5.3

Discussion Question(s): Does the jus soli provision of the 14th Amendment need revising?

Engagement Strategy: Class discussion and reflection paper

Student Readings (list): Three sub-questions with “yes” and “no” argument for each (see attached)

Total Time Needed: 10 min. introduction and prep at least one day prior & then one 50 min. class for the discussion (Note- this lesson should follow a lesson on how citizenship is attained in the U.S., i.e. jus sanguine, jus soli & the naturalization process.)

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
Day 1 10 min.	On the day prior to the discussion, assign groups and readings. You will need three groups and then further divide each of the three in half, a “yes” group and a “no” group. Distribute the questions and relevant readings to each group and assign each participant to come to class the next day with a minimum 2-3 bullet point gleaned from the readings that support their assigned position on the question. Do not introduce the overall discussion topic/question, leave that for the second day.	Organized into groups and receiving their question, readings and instructions for the next day.
Day 2 5-10 min.	Display “anchor baby” cartoon either on overhead or ppt projector along with the following question” What issue is the cartoon is referencing and what is at the heart of the controversy?	Students will analyze the cartoon and individually respond to the prompts in their warm-up journals. After allowing a few minutes for individual reflection, check for understanding by asking a few students to read their response and offer other students to comment.
5-10 min.	Display the relevant text of the 14 th am. that grants jus soli citizenship and check for understanding. Ask students to compose a brief paragraph in response to the lessons essential question: “Citizenship and the 14 th Amendment: Does it need revision?”	The students will understand where jus soli comes from and compose a short paragraph in response to the lesson’s essential question (see left).
2-3 min.	Give instructions for class discussions. Instruct	Students will receive instructions on their

	students that they will be asked to reassess the opinion they just stated in their paragraphs based on cited evidence from their classmates' discussions. They will need to address each of the 3 questions and provide 1-2 points of argument for each side and concluding with their opinion.	responsibilities while listening to their classmates present "yes" and "no" arguments to the three questions
5 min.	Teacher instructs students to meet in their respective groups, (six groups, yeses and no's for each of the three questions).	Students will have five minutes in their groups to collaborate on their argumentative points.
5-7 min.	Teacher instructs Question 1 group to the front of the room and writes the question on the board.	Students will present their positions, citing evidence from the readings. Each participant will present at least one argumentative point except one student who will be the note-taker* on the other side's points of argument. Each side will get 90 seconds and then 1 minute for a consultation with the note-taker to formulate a 30 second rebuttal. The other students are taking notes on each side of the question. *The note-taker can be a student who isn't comfortable with public speaking; these notes will also be shared with his/her group for the purposes of the final reassessment.
5-7 min.	Question 2 group will be up, see above	Question 2 will proceed as question 1 above
5-7 min.	Question 3 group will be up, see above	Question 3 will proceed as question 1 above
Time permitting	Teacher can open the discussion to the full class	Students outside of specific question groups can ask for points of clarification or offer comments
Last 3-5 min.	Instruct students that they are to reassess their previous position that was stated prior to the discussion. In this paper they must open with a thesis regarding whether the jus soli portion of the 14 th amendment needs revising. The paper then must address each of the three discussion questions, each in its own paragraph, citing 1-2 points of argument from each side with a concluding sentence stating their opinion. The concluding paragraph must contain a suggestion for further research that they feel would be useful in making a more informed opinion.	Students will receive instructions on their paper based on the discussion. See paper criteria on left.

Description of Lesson Assessment: Each student will awarded points based on their presentation their argumentative point(s) according to the teacher's discretion. Also, the paper assigned as the final product will also serve as an assessment.

How will students reflect on the process and their learning? By comparing their initial opinion of the discussion topic with that after hearing arguments on both sides and having to consider both sides, students will be exposed to how one's opinion can evolve when new and competing information is considered.

Cartoon for the opener:



DAVE GRANLUND © www.davegranlund.com

QUESTION ONE

Would passing and enacting H. R. Bill 1868 (Birthright Citizenship Act of 2009) be beneficial for the U.S.? (note- H.R. 1868 would supposedly do away with jus soli citizenship though no congressional act can trump the Constitution.)

YES

by [Roy Beck](#), NumbersUSA

Maternity tourism is just the beginning of the silliness of birthright citizenship that goes to the babies of foreign students, temporary foreign workers, international travelers—and the millions who break the law to criminally enter this country.

All told, federal law (not the Constitution) gives citizenship to an estimated minimum 400,000 babies each year who don't have even one parent who is a U.S. citizen or permanent legal immigrant. This is a huge impediment to efforts to stabilize U.S. population to allow for environmental sustainability. And it is a great incentive for more illegal immigration.

Each of these babies becomes an anchor who retards deportation of unlawfully present parents—and who eventually will be an anchor for entire families and villages as chain migration leads to the immigration of grandparents, aunts, uncles, and cousins.

Birthright citizenship is an antiquated practice that has been abandoned by nearly all wealthy nations and emerging nations (recently India and Indonesia) and by the majority of poor nations.

The Supreme Court has ruled only that the Constitution requires babies of legal immigrants be U.S. citizens. It is time to join the modern world, pass H.R. 1868 (Birthright Citizenship Act of 2009), and limit citizenship to babies who have at least one parent who is a citizen or legal immigrant.

Source: http://www.businessweek.com/debateroom/archives/2009/07/anchor_babies_no_more_us_citizenship.html

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No

by [Rob Randhava](#), Leadership Conference on Civil Rights

Scaling back the 14th Amendment's definition of birthright citizenship, a cornerstone of civil rights in our country, would compound the problem of illegal immigration instead of addressing it.

Proposals to do this are based on the concern that immigrants give birth to children on U.S. soil for the purpose of using their citizenship to stay here. Even if there was evidence that this is common—and there isn't—it would be largely beside the point: It's indisputable that most people come here illegally because they desperately want work, employers are thrilled to provide it, and government usually turns a blind eye.

In addition to probably being un-Constitutional, H.R. 1868 wouldn't alter that arrangement. Instead, denying citizenship to children would simply increase the number of people here who live outside the law—and it's unrealistic to think that they'd be deported or driven out en masse. It would also raise countless practical questions. Would hospitals have to decide which mothers are here legally? Would the children of those children, and their grandchildren, also be deemed illegal? If so, would the resulting modern-day caste system help, or heighten, the concerns that native-born workers have about immigrant labor?

The best way to reduce illegal immigration is by addressing both its supply and demand, through realistic enforcement and better legal channels that meet business needs without causing unfair wage competition. Ending birthright citizenship would just change the subject.

Source: http://www.businessweek.com/debateroom/archives/2009/07/anchor_babies_no_more_us_citizenship.html

QUESTION TWO

Does the US Constitution provide for birthright citizenship (jus soli) and is it consistent with U.S. traditions?

NO:

"If those who wrote and ratified the 14th Amendment had imagined laws restricting immigration -- and had anticipated huge waves of illegal immigration -- is it reasonable to presume they would have wanted to provide the reward of citizenship to the children of the violators of those laws? Surely not."

"In 1884 the Supreme Court held that children born to Indian parents were not born "subject to" U.S. jurisdiction because, among other reasons, the person so born could not change his status by his "own will without the action or assent of the United States." And "no one can become a citizen of a nation without its consent." Graglia says this decision "seemed to establish" that U.S. citizenship is "a consensual relation, requiring the consent of the United States." This would clearly settle the question of birthright citizenship for children of illegal aliens. There cannot be a more total or forceful denial of consent to a person's citizenship than to make the source of that person's presence in the nation illegal."

Source:

"George F. Will: Citizenship a birthright?" Washington Post. March 28th, 2010

"EDITORIAL: Born in the USA: The flawed case against birthright citizenship." Chicago Tribune Editorial. August 15th, 2010

QUESTION TWO

Does the US Constitution provide for birthright citizenship (jus soli) and is it consistent with U.S. traditions?

YES:

"The Supreme Court has given the clause an inclusive reading. In an 1898 case involving the U.S.-born son of Chinese parents who were not citizens, it ruled that since his parents were not diplomats, he was an American citizen. In 1982, the court considered the claim that illegal immigrants are not subject to U.S. jurisdiction and responded: 'We reject this argument.'"

"The Citizenship Clause was no legal innovation. It simply restored the longstanding English common law doctrine of jus soli, or citizenship by place of birth. Although the doctrine was initially embraced in early American jurisprudence, the U.S. Supreme Court abrogated jus soli in its infamous Dred Scott decision, denying birthright citizenship to the descendants of slaves. Congress approved the Citizenship Clause to overrule Dred Scott and elevate jus soli to the status of constitutional law."

Source:

[Birthright citizenship is long-standing common law doctrine James C. Ho. "Defining 'American': Birthright Citizenship and the Original Understanding of the 14th Amendment." Immigration Policy Center](#)

QUESTION THREE

Does birthright incentivize bad immigration behavior?

YES:

"They come here to drop a child. It's called drop and leave. To have a child in America, they cross the border, they go to the emergency room, have a child, and that child is automatically an American citizen. That shouldn't be the case. That attracts people here for all the wrong reasons." –Lindsay Graham, US Senator

"Birthright citizenship lures illegal aliens, who know a U.S.-born child is, thanks to American immigration law's family-reunification bias, an anchor baby who will be able to sponsor his relatives for residence and citizenship. They also know that anchor babies' mothers are not deported. In 1993, the Los Angeles County Board of Supervisors reported that two-thirds of births in L.A. County hospitals were to illegal aliens, mostly Mexicans. Conservative estimates of illegal-alien births here, assuming an illegal alien population of between 8.7 and 11 million, run from 287,000 to 363,000 per year."

Source:

<http://www.guardian.co.uk/world/2010/aug/03/republicans-block-citizenship-illegal-aliens>

[Howard Sutherland. "Citizen Hamdi: The Case Against Birthright Citizenship." Minnesotans for Sustainability. September 27, 2004](#)

QUESTION THREE

Does birthright incentivize bad immigration behavior?

NO:

"Denying American citizenship to the American-born children of illegal immigrants may have a slight dissuasive effect on illegal immigration, but the effect will be small compared to the overwhelming incentive for illegal immigration, which is the far greater economic opportunities available in the United States compared to Mexico or Central America."

"Nor would depriving their American-born children of citizenship induce many of them to leave. All it would do is create a permanent class of dispossessed innocents living in the shadows."

Source:

"Go back where you didn't come from." Economist.com. Aug 12th 2010

"EDITORIAL: Born in the USA: The flawed case against birthright citizenship." Chicago Tribune Editorial. August 15th, 2010

Assessment:

Discussion Component: Each student must present a minimum one assertion or question to the other side based on their readings.:

- No participation: Unsatisfactory
- One question/statement/rebuttal: Satisfactory
- More than one question/statement/rebuttal: Superior
- Note takers can turn in their notes for this component's points

Written Component:

- Only addresses one of the questions with minimal or no evidence from the discussion; no personal opinion statement: unsatisfactory
- Addresses two or more questions with evidence from discussion and a personal opinion statement: minimally satisfactory
- Addresses All three questions with evidence from the discussion for each side and a personal opinion statement: Satisfactory
- Addresses all three questions with at least two pieces of evidence cited for each question and a well –reasoned and presented personal opinion statement: Superior

DOES THE 14TH AMENDMENT NEED REVISING? JUS SOLI, ANCHOR BABIES & THE 14TH AMENDMENT

David Harper

“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.” So begins the Fourteenth Amendment and it this provision that has recently become under scrutiny leading to a growing controversy regarding our immigration policy. Specifically, many leading politicians, media figures, as well as citizen groups claim that it creates a loophole which is being exploited by those who seek to remain in this country illegally. This is at the heart of, for lack of a better term, the “anchor baby” issue. The fact that, no matter the status of the parents, any child born in the U.S. automatically receives full citizenship is according to many encouraging illegal immigration. Current Speaker of the House John Boehner, on *Meet the Press* with David Gregory, said, “There is a problem—to provide an incentive for illegal immigrants to come here so that their children can be us citizens does in fact draw more people to our country.” (Francis Martel, 2010) What Speaker Boehner is getting at is the proposition that the intent of codifying jus soli (law of the soil) into our Constitution was to ensure full citizenship for the recently emancipated slaves of the former Confederacy but today, this clause is allowing illegals to get a foothold on residency, something that the Fourteenth Amendment was never intended to do, or was it? This is at the heart of the controversy which will be explored: does the modern application of this provision of the Fourteenth Amendment require its revision, or even its repeal, due to the fact that it is now being applied to a different group of people with different citizenship issues?

According to the New York Times, 340,000 babies were born in the United States in 2008 that had at least one parent who was not of legal status. (Julia Preston, New York times, 8-11-2010) That works out to 8% of all live births that year. This is not an insignificant number which gives some merit to those that that claim the jus soli

clause of the Fourteenth Amendment is need to be revised. The cost to local governments can be substantial. Los Angeles County Supervisor Michael Antonovich claims his county spent \$600 million on children born to illegals in 2010. (Kimberly Dvozak, San Diego Examiner, 1-20-2011) In times of belt tightening of local governments' budgets, these sorts of expenditures are being singled out as something that can no longer be sustained. While even those folks on the pro-immigration side of the debate would likely concede that babies born to illegals do increase costs to local governments, they would counter with the claim that automatic citizenship at birth is not the reason for incurring these costs, that these children would be born here anyway as it is other push-pull factors of migration that brings illegal immigrants to this land. And therein lies the crux of the debate: does automatic citizenship encourage illegal immigration?

Those on the revise/repeal the Fourteenth Amendment side of the debate claim that giving automatic citizenship to any child born on U.S. soil merely encourages more illegals to enter the country, thus compounding an already serious problem. U.S. Senator Lindsay Graham puts it this way: "They come here to drop a child. It's called drop and leave. To have a child in America, they cross the border, they go to the emergency room, have a child, and that child is automatically an American citizen. That shouldn't be the case. That attracts people here for all the wrong reasons." (Chris McGreal, The Guardian, 8-3-2010)

On the other side of this question are those that would say that birthright citizenship has a negligible effect on illegal immigration. As an editorial in the Chicago Tribune put it, "Denying American citizenship to the American-born children of illegal immigrants may have a slight dissuasive effect on illegal immigration, but the effect will be small compared to the overwhelming incentive for illegal immigration, which is the far greater economic opportunities available in the United States compared to Mexico or Central America...Nor would depriving their American-born children of citizenship induce many of them to leave. All it would do is create a permanent class of dispossessed innocents living in the shadows." (Chicago Tribune, 8-15-2010)

Birthright citizenship, and immigration in general, is an issue that raises passions on both sides of the debate. The problem in addressing the question of jus soli and its role in debate over illegal immigration is that there isn't any actual hard data on whether or not it entices people to come to the U.S. illegally to have babies. There hasn't been a survey wherein illegal mothers of newborn infants are asked, "Did you come to America to have your child?" So each side in actuality is really just speculating. That surely doesn't preclude having strong opinions however and so the debate rages on.