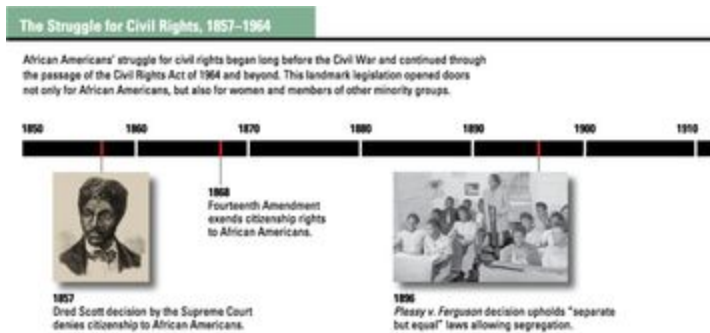


Citizenship

Civic Rights & Civic Responsibilities

The U.S. Constitution, as originally written, did not define citizenship. It made reference to citizens and listed some of their rights, particularly in the Bill of Rights. But it did not say how citizenship was to be determined. At the time the Constitution was adopted, it was generally assumed that state citizens would become U.S. citizens. It was also assumed that a person born in the United States was a citizen.



In 1857, however, the Supreme Court handed down a decision that shook up these assumptions. In the case of *Dred Scott v. Sandford*, the Court held that Dred Scott, an enslaved African American born in Virginia, was not a citizen and therefore could not sue for his freedom in federal court. Chief Justice Roger Taney argued that the framers never meant to include slaves under the protections of the Constitution. But if Dred Scott was not a citizen, what was he? And what did this decision mean for other African Americans? What rights could they claim under U.S. law?

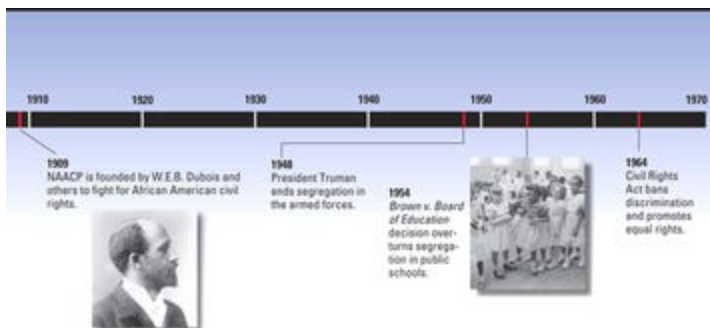
The Fourteenth Amendment Defines Citizenship

The Fourteenth Amendment was adopted in part to address these issues and reverse the Dred Scott decision. Ratified in 1868, just three years after the Civil War, this amendment clarified who was a citizen under the Constitution. It begins with these words:

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.

—Fourteenth Amendment, 1868

The purpose of the Fourteenth Amendment was to extend the rights of citizenship to former slaves. At the same time, it clearly states that all persons born on American soil are to be considered U.S. citizens, no matter where their parents were born. It also says that states cannot discriminate against citizens or deprive them of their rights without due process of law.



African Americans' Long Struggle for Civil Rights

Although the Fourteenth Amendment was designed to extend the rights of citizenship to African Americans, its immediate effects were limited. In the late 1800s, southern states passed laws, known as **Jim Crow laws**, that enforced segregation

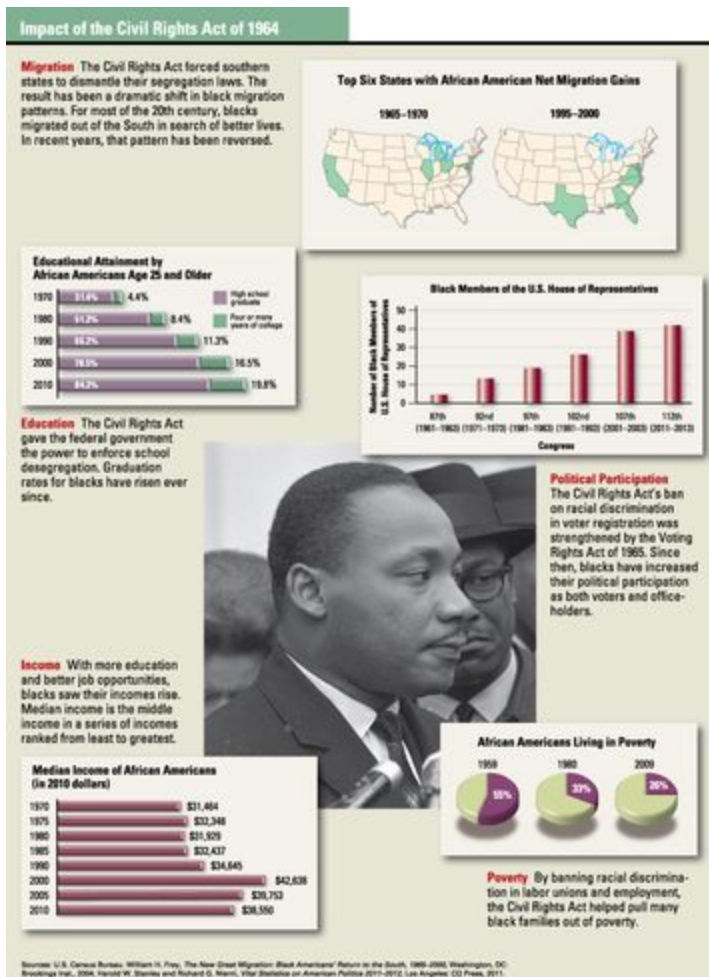
and denied legal equality to blacks. It would take many decades for the courts and Congress to overturn these laws and protect the civil rights of African Americans. The timeline below shows several key events in this long struggle.

An early setback in the struggle for equal rights occurred when the Supreme Court heard *Plessy v. Ferguson* in 1896. The case centered on Homer Plessy, a black man who had been arrested in Louisiana for sitting in a whites-only railroad car. Plessy challenged his arrest in court. He argued that Jim Crow laws that segregated blacks from whites violated the Equal Protection Clause of the Fourteenth Amendment.

The decision went against Plessy. The Court held that separate facilities for blacks and whites were legal as long as they were equal. This “separate but equal” doctrine was soon applied to almost every aspect of life in southern states. In most cases, however, the facilities provided for black Americans were far inferior to those enjoyed by whites.

Despite this decision, African Americans continued to fight for equal rights. They formed organizations such as the National Association for the Advancement of Colored People (NAACP), the National Urban League, and the Congress of Racial Equality (CORE) to protest racial discrimination in its many forms.

In 1954, the NAACP won a major victory in the case of *Brown v. Board of Education of Topeka*. The case focused on the rights of a young African American, Linda Brown, who was prohibited from attending a white school near her home in Topeka, Kansas. In its decision, the Supreme Court concluded that “separate but equal” facilities were by their very nature unequal. This decision paved the way for the desegregation of public schools and the launching of the modern civil rights movement.



During the 1950s and 1960s, the civil rights struggle touched all aspects of American life. The most prominent leader of the movement, Martin Luther King Jr., helped to make Americans aware of the great injustices imposed on people of color. In 1963, King responded to those who argued that blacks should be more patient in their demand for equal rights by writing his famous “Letter from a Birmingham Jail.”

Just over a year later, on July 2, 1964, President Johnson signed the Civil Rights Act of 1964 into law. This landmark legislation banned discrimination in most areas of American life on the basis of race, sex, religion, or national origin. It also

committed the U.S. government to protecting the rights of all Americans, regardless of skin color or country of birth. The improvements in the economic, political, and social aspects of African Americans' lives show the far-reaching effects of this law.

Rights and Responsibilities

Since the passage of the Civil Rights Act of 1964, the United States has experienced a huge increase in immigration, both legal and illegal. Once in this country, most **lawful permanent residents** enjoy most of the same rights as native-born Americans. These include the rights listed in the Bill of Rights, from freedom of speech to freedom from cruel and unusual punishment.

American citizens, whether native born or naturalized, enjoy additional rights. The most important are the right to vote, to hold public office, and to claim certain social and economic benefits. Some forms of welfare payments, for example, are available only to citizens. Most jobs in the federal government are limited to citizens only.

Similarly, all people living in the United States have certain legal responsibilities. They are required to obey laws, pay taxes, and cooperate with public officials. All males who are 18, whether they are citizens, lawful permanent residents, or **undocumented immigrants**, must register for military service. This is true even though the United States currently has an all-volunteer army.



Everyone has personal responsibilities, or duties that relate to an individual's private life, such as taking care of one's own health. Personal responsibilities apply to helping one's family and friends, too. Comforting an upset friend and caring for a sick parent are examples of personal responsibility.

Citizens also have civic responsibilities. They are expected to be informed about and participate in public affairs. Volunteering to serve the public good is another civic responsibility. Sometimes the obligation of citizenship requires that personal desires be subordinated to the public good. For example, a woman might have to miss work to attend jury duty or a man might feel obligated to research candidates in an election even though he would prefer to play soccer.

Political engagement is a choice, not a legal requirement. However, democracies function best when citizens choose good leaders and pay close attention to what those leaders do once elected. As Tocqueville observed almost two centuries ago, "The greatness of America lies not in being more enlightened than any other nation, but rather in her ability to repair her faults." It is up to all of us as citizens to make sure such repairs are made when needed.

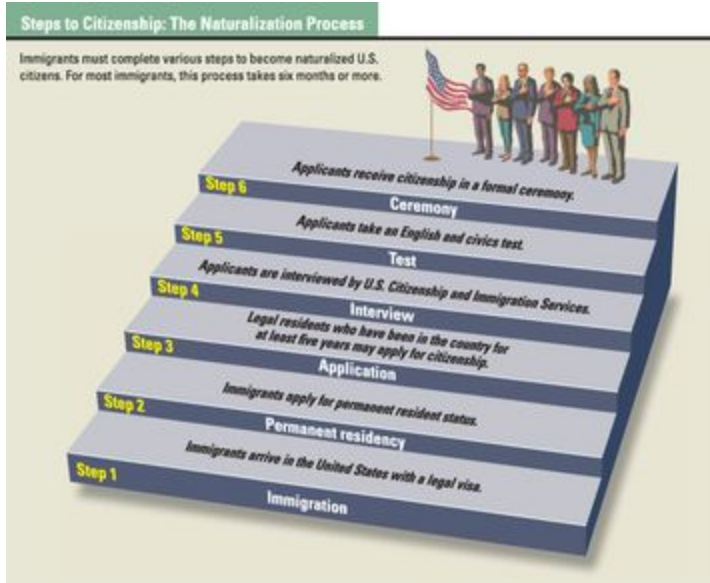
Becoming an American Citizen

By 2010, nearly 40 million Americans, or about 13 percent of the U.S. population, were foreign born. Every year, hundreds of thousands of immigrants become U.S. citizens. They usually receive their citizenship at a large ceremony, along with many other new citizens. For most, the occasion is filled with emotion.

For Alberto Olivarez, the citizenship ceremony was a bit different, though no less emotional. In 2006, Olivarez, a Mexican-born teacher at an elementary school in Brighton, Colorado, took his oath of citizenship alone, standing before

an audience of students and their parents in his school gymnasium. Like Olivarez, many in the audience were immigrants or children of immigrants.

Olivarez's wife and three children sat on the stage with him as he pledged to "support and defend the Constitution of the United States." With this oath, Olivarez became a U.S. citizen, just as he had expected. What came next, however, surprised him. The school principal explained to the audience that Olivarez's citizenship automatically made his three young sons American citizens as well. Upon hearing this news, Olivarez burst into tears. It was a benefit of citizenship he had never imagined.



American Citizens: Native Born and Naturalized

There are two ways to become a U.S. citizen. The most common way is by birth. Most Americans are born in the United States, though some are born in another country to parents who are U.S. citizens. Either way, citizens by birth automatically enjoy all the rights, privileges, and protections of citizenship.

The other way to become a citizen is through **naturalization**. This is the path that Alberto Olivarez and other naturalized citizens have taken. Naturalization is a multistep legal process that, when completed, gives the applicant virtually all the rights and responsibilities of a native-born citizen.

In 2011, nearly 700,000 people became U.S. citizens through naturalization. The largest group of new citizens came from Mexico, but tens of thousands also came from India, the Philippines, China, Columbia, Cuba, and other countries.

Immigrants must meet several requirements to be eligible for naturalization. They must be at least 18 years old and lawful permanent residents of the United States. In most cases, such immigrants, also known as **resident aliens**, must have lived in this country for at least five years to be eligible for naturalization.

After meeting those requirements, the next step is to complete an application for naturalization. If the application is approved, the applicant has an interview with an immigration official. At this meeting, applicants are tested on their ability to speak, read, and write English. They also take a civics test to show basic knowledge of American history and government. Sample questions from the test appear at the end of this chapter.

The final step in the naturalization process is the citizenship ceremony. Here, applicants answer a few more questions. Then they take the oath of allegiance to the United States and receive a certificate of naturalization.

Naturalization gives new citizens the right to vote and run for any public office except that of vice president or president. The Constitution says that only native-born citizens can hold these offices. Critics of this rule argue that it is no longer necessary or fair because it excludes qualified foreign-born officials. However, supporters of the clause highlight its importance in preventing foreign influence over the U.S. government.

The Status of Lawful Permanent Residents

Immigrants do not need to become citizens to stay in the United States legally, however. They may remain here indefinitely as lawful permanent residents. In 2011, the U.S. government granted permanent residency to more than 1 million people.

Immigrants seeking permanent resident status also go through an application process with the Bureau of Citizenship and Immigration Services. Preference is given to immigrants whose job skills are needed by U.S. businesses or who are related by birth or marriage to a U.S. citizen. Those who successfully complete the application process receive an identification card known as a **green card**. A green card provides proof that its holder has a legal right to live and work in the United States.

Resident aliens enjoy most of the rights of citizens. These include the right to travel freely outside the country. However, if resident aliens plan to be away for more than a year, they must apply for a reentry permit. Without this permit, they may be refused reentry to the United States. Resident aliens may also lose their permanent resident status and be deported if they are convicted of criminal activity.