

JUNE TEENTH FREEDOM DAY

JUNE 19

June 2021

America's Birthright Citizenship:

It's one of the United States' best-known rights: automatic citizenship to all born within its borders. But birthright citizenship hasn't always been the rule of the land in the U.S., and the legal concept has faced plenty of challenges over the century. Here's the story of birthright citizenship and its challengers.

Birthright citizenship was initially limited to free white people

In 1790, the nation's first naturalization law came into effect. It stated that "free white persons" could gain citizenship if they had lived in the U.S. for two years and had a good character. The new citizens' children under the age of 21 were given citizenship, too.

But the new naturalization law ignored massive swaths of American society, including enslaved people and Native Americans, neither of whom were considered citizens.

Arguments about slavery challenged the concept of birthright citizenship

In 1857, as arguments about slavery roiled, the U.S. Supreme Court went a step further, finding in the Dred Scott v. Sandford case that Scott, an escaped slave suing for his freedom, was not a citizen because he was of African descent. Nor could any other person of African descent be considered a citizen, even if they were born in the U.S., Chief Justice Roger B. Taney wrote in the majority opinion. But that definition didn't last long. During and after the Civil War, lawmakers returned to the debate about whether black people should have birthright citizenship. "What was new in the 1860s...was the possibility for radical legal transformation that accompanied war and its aftermath," writes historian Martha S. Jones.

In 1864, Attorney General Edward Bates tackled the issue in connection with African-American members of the Union Army, finding that "free men of color" born on American soil were American. After the war, the Reconstructionist Congress passed a civil rights law that extended citizenship to all people born in the U.S. who were "not subject to any foreign power."

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How the Black Codes Limited African American Progress After the Civil War:

When slavery ended in the United States, freedom still eluded African Americans who were contending with the repressive set of laws known as the black codes. Widely enacted throughout the South following the Civil War—a period called Reconstruction—these laws both limited the rights of Black people and exploited them as a labor source. In fact, life after bondage didn't differ much from life during bondage for the African Americans subjected to the black codes. This was by design, as slavery had been a multi-billion dollar enterprise, and the former Confederate states sought a way to continue this system of subjugation.

"They may have lost the war, but they're not going to lose power civically and socially," says M. Keith Claybrook Jr., an assistant professor in the Department of Africana Studies at California State University, Long Beach. "So, the black codes were an attempt to restrict and limit freedom."

Losing the Civil War meant the South had little choice but to recognize the Reconstruction-era policies that abolished slavery. By using the law to deny African Americans the opportunities and privileges that white people enjoyed, however, the one-time Confederacy could keep these newly liberated Americans in virtual bondage.

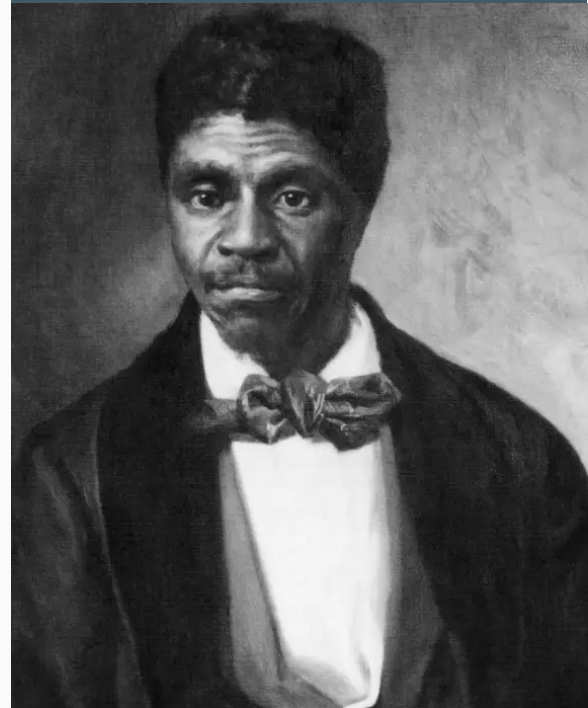
The passing of the 14th and 15th amendments gave African Americans some hope for the future. Ratified in 1868, the 14th Amendment granted citizenship and "equal protection of the laws" to Black people, while the 15th Amendment, ratified in 1870, barred states from depriving citizens the right to vote based on race. In the end, the South rescinded the black codes, but the repeal of these restrictions didn't significantly improve life for African Americans.

"With the passage of the 14th and 15th amendments, there was a shift over to Jim Crow laws, which were kind of a perpetuation of the black codes," says Connie Hassett-Walker, an assistant professor of justice studies and sociology at Norwich University in Vermont. "You don't just flip the switch and all that structural discrimination and hatred just turns off. It kept going." And Black Americans weren't "separate but equal," as the states enforcing Jim Crow laws claimed. Instead, their communities had fewer resources than white communities, and white supremacist groups like the Ku Klux Klan terrorized them.

The black codes may have been repealed, but African Americans continued to face a series of regulations that reduced them to second-class citizens well into the 20th century. It would take the activism of civil rights leaders, and the Civil Rights Act of 1964, to see this legislation overturned.

[READ MORE: 8 Steps That Paved the Way to the Civil Rights Act of 1964](#)

"The supreme court kept me from my freedom"



Dred Scott (1795-1858).
Bettmann Archive/Getty Images

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Additional Resources :

Helpful Links

- [Playlist of Memory Palace episodes recommended on Juneteenth 2020:](#)
- [Separate But "Equal": A Brief History of Jim Crow Laws – ONSTAGE+ \(goodmantheatre.org\)](#)
- [14 People Who Broke Barriers to Make Black History \(nbcnews.com\)](#)
- [Block the Vote: Voter Suppression in 2020 \(aclu.org\)](#)
- [Colleges using Black students in advertising despite having low diversity rates \(visual representation, without inclusion\):](#)

Books and Podcasts

- [Code Switch](#)
- [About Race](#)
- [Seeing White](#)
- [Between the World and Me](#)
- [Stamped from the Beginning: The Definitive History of Racist Ideas in America](#)
- [White Rage: The Unspoken Truth of Our Racial Divide](#)

Resources for Parents and Kids :

- [How To Talk To Kids About Racism & Racial Violence](#)
- [Book: Juneteenth for Mazie](#)
- [Juneteenth by PBS Kids](#)
- [The Meaning Behind Juneteenth](#)

