

Questions related to Edward Bates on American Citizenship

1. Did Bates discover a clear legal definition of a “citizen of the United States”?
2. People assumed then (and do now) that the right to vote is central to citizenship. Did most U.S. citizens possess the right to vote in 1862? Explain.
3. Had the U.S. government ever taken away an individual’s citizenship? Explain.
4. Discuss whether citizenship was a requirement for voting or holding office in 1862.
5. In basic terms, what does it mean to be “a citizen of the United States”?
6. According to Bates, is it obvious that a U.S citizen is also a citizen of the state in which he or she resides?
7. If free blacks had been deemed citizens back in 1862, would they have had the right to vote and hold office?
8. What does the U.S. Constitution mean by a “natural born Citizen,” and did free black people meet the requirement?

9. Could a “foreign-born” black person have become a U.S. citizen in 1862?
10. As of 1862, had Congress passed a law so that children born in foreign countries to American parents were deemed citizens?
11. The 13th, 14th, and 15th Amendments are known as the Reconstruction Amendments and were ratified between 1865 and 1870, following the Civil War. The 13th abolished slavery, and the 14th and 15th addressed black citizenship and black voting rights, respectively.

The first sentence of the 14th Amendment states 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 sentence added nothing to what Bates believed was already embedded in the U.S. Constitution. Why, then, do you think the authors of the 14th Amendment thought it was needed? Is there anything in Bates’s legal opinion that sheds light on the phrase, “and subject to the jurisdiction thereof”?