

Both Sides of the Issue

Birthright Citizenship Revisited

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Objectives

Students will be able to:

- summarize the purpose and historical context of the 14th Amendment as presented in both videos.
- examine how each video interprets the phrase "subject to the jurisdiction thereof" within the 14th Amendment.
- critique the evidence each video draws from history, legal precedent, and political rhetoric to support its position.
- formulate an argument for or against the current application of birthright citizenship, using specific claims from both videos.

Concepts & Key Terms

The following terms appear across both videos in this pairing. Understanding them will help students follow the arguments and engage in discussion.

14th Amendment: the constitutional amendment ratified in 1868 stating 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."

Allegiance: loyalty owed to a particular nation, typically by its citizens.

Birthright Citizenship: the legal principle that a person born on a country's soil automatically receives that country's citizenship. Also known as *jus soli*.

Chinese Exclusion Act: an 1882 federal law that barred Chinese laborers from entering the United States; the law was later used as the basis for denying Wong Kim Ark re-entry after his travel to China.

Complete Political Jurisdiction: according to the Heritage Foundation video, the authority that requires full allegiance to a government, including obligations such as military service and jury duty.

Indian Citizenship Act of 1924: the federal law that granted U.S. citizenship to Native Americans born within the United States, who had not previously been covered by the 14th Amendment.

Naturalization: the legal process by which a non-citizen becomes a citizen of a country.

Partial Territorial Jurisdiction: the authority of a country's laws over anyone within its borders, such as tourists who must obey criminal statutes but are not required to serve in the military or on juries.

Precedent: a prior legal decision that courts consider when ruling on later, similar cases.

Ratification: the formal process by which a constitutional amendment is approved and becomes law.

Subject to the Jurisdiction Thereof: the conditional phrase in the 14th Amendment whose meaning is at the heart of the birthright citizenship debate.

U.S. v. Wong Kim Ark (1898): the Supreme Court decision ruling 6-2 that Wong Kim Ark, born in San Francisco to Chinese-citizen parents who were lawful, permanent residents of the U.S., was a U.S. citizen under the 14th Amendment.

Discussion Questions

The questions below will help students achieve a better understanding of the arguments made on either side of a contentious topic. Because these questions often touch upon statements made briefly in the videos, we recommend reading the questions before watching each video.

Students are encouraged to take notes during the videos, and it may be helpful for students to break into groups, each taking responsibility for only a few questions, before coming together for discussion.

Analysis Questions:

1. What are the opposing ideas in these two videos?
2. What is birthright citizenship?
3. What amendment of the U.S. Constitution addresses birthright citizenship?
4. When was the 14th Amendment ratified?
5. Ali Velshi told the story of Wong Kim Ark. Why was Wong Kim Ark initially not allowed into the United States in 1895?
6. According to the Heritage Foundation, what was the specific intention behind the 14th Amendment?
7. According to Ali Velshi, what was the San Francisco district attorney's argument against Wong Kim Ark's citizenship?
8. According to the Heritage Foundation, what is the "critical, conditional phrase" of the 14th Amendment?
9. According to Ali Velshi, Wong Kim Ark's legal strategy was to tie his fate to the children of European immigrants, whom the Supreme Court's decision stated had "always been considered and treated as citizens of the United States." Do you think there's an ethnic component to the birthright citizenship debate? Why/Why not?
10. According to the Heritage Foundation, Sen. Lyman Trumbull said "'subject to the jurisdiction' meant not owing allegiance to any other country." What did he mean by this?
11. Ali Velshi said that when the Supreme Court upheld the Chinese Exclusion Act, it cited "an Oriental invasion" that was "a menace to our civilization." Are there

any parallels between that rhetoric and the current rhetoric surrounding immigrants and birthright citizenship?

12. The Heritage Foundation video explained two types of jurisdictions: partial territorial jurisdiction and complete political jurisdiction. What are the differences between these categories?
13. Ali Velshi said: "To undermine the constitution's guarantee of birthright citizenship in any way would be a return to some of our nation's darkest days, and a surrender to the worst impulses in American history." What did he mean by this? Do you agree? Why/Why not?
14. What are the virtues of birthright citizenship?
15. What are the drawbacks of birthright citizenship?
16. If the Constitution doesn't provide birthright citizenship on a wide scale, should it be amended so that it does provide it? Why/Why not?
17. If the Constitution does provide birthright citizenship on a wide scale — including to the children of undocumented immigrants — should it be amended so it no longer provides it? Why/Why not?
18. Did these two videos share any common ground? Were there any points on which they agreed? If so, what were they?
19. Should one of the arguments we heard carry more weight than the other? If so, which one? Why?
20. Did you have an opinion on this topic before watching these videos? If so, what was it? Has your opinion changed? If so, how? What did you learn from these videos that affects your views on this topic?
21. What else would you like to learn about this topic?
22. For more on this topic, see this installment of Both Sides of the Issue:
 - a. *Both Sides*: "[Birthright Citizenship](#)"

Activities

Activity 1: Timeline of the Debate

Both videos draw heavily on historical events to build their cases. In this activity, students compile a shared timeline using evidence pulled from both sources, then analyze how each side selects and sequences its history.

Directions for Students:

Working in small groups, build a chronological timeline of the birthright citizenship debate using only information stated in the two videos. For each entry on your

timeline, record: (1) the year, (2) the event, and (3) which video mentioned it. Then answer the following questions as a group:

- Which events does Video 1 (Heritage Foundation) emphasize most? Which events does Video 2 (Ali Velshi) emphasize most?
- Are there events one video mentions that the other ignores? Why might each side leave certain history out?
- Does rearranging the order of events make either argument sound stronger or weaker?

Teacher Reference — Key Events Mentioned Across Both Videos:

- 1868: 14th Amendment is ratified.
- 1873: Wong Kim Ark is born in San Francisco's Chinatown.
- 1877: A mob attacks San Francisco's Chinatown, killing four people and destroying businesses.
- 1882: Congress enacts the Chinese Exclusion Act.
- 1895: Wong Kim Ark is denied re-entry to the United States and detained on a steamship in San Francisco Bay.
- 1898: The Supreme Court decides *U.S. v. Wong Kim Ark* 6-2 in favor of citizenship.
- 1924: The Indian Citizenship Act grants U.S. citizenship to Native Americans.
- 2024: President-elect Trump tells NBC's Kristen Welker he will end birthright citizenship on day one.

Activity 2: Socratic Seminar Prep

Both videos present confident claims, but a careful listener can find tensions, gaps, or unstated assumptions in each. This activity prepares students for a class-wide Socratic seminar.

Directions for Students:

Before the seminar, draft three probing questions for EACH video. A probing question does not simply ask what was said — it challenges a claim, exposes an assumption, points out missing evidence, or asks what would have to be true for the argument to hold. Students must write questions for both sides, not only the side they find less convincing. During the seminar, each student must pose at least one question from each side and respond to at least two classmates.

Sample Starter Questions (Teacher may share to model the task):

- For Video 1 (Heritage Foundation): If "subject to the jurisdiction thereof" actually meant allegiance, as Sen. Trumbull is quoted saying, why did Congress feel the need to pass a separate Indian Citizenship Act in 1924?
- For Video 2 (Ali Velshi): Wong Kim Ark's parents were lawful residents, not undocumented immigrants. Does his case actually settle the question about children born to people in the country illegally, or does it leave that question open?

- For Video 1: The video concludes that most countries don't grant birthright citizenship and implies that the United States should change. Does what other countries do determine what the U.S. Constitution requires?
- For Video 2: Velshi calls Trump's position "alarming" and equates it with "our nation's darkest days." Is that framing itself an argument, or does it replace an argument?

Activity 3: Strongest Argument Challenge

In this activity, students must engage seriously with both sides by identifying the single strongest claim from each video and defending it in writing — including the side they personally find less persuasive.

Directions for Students:

After watching both videos, select the one claim from Video 1 that you believe is the strongest argument it presents. Do the same for Video 2. In a short paragraph (4-6 sentences) for each video, explain:

- What is the claim? Quote or closely paraphrase it.
- What evidence does the speaker offer to support it?
- Why is this the strongest point, in your judgment?

Then pair up with a classmate. Exchange paragraphs. Your partner must challenge each of your selections by pointing out at least one possible weakness — missing evidence, unexamined assumption, or counter-example. Return the challenged paragraphs, then spend five minutes discussing: did any of your partner's challenges change your mind about which argument was strongest?

Activity 4: Venn Diagram Plus

A traditional Venn diagram captures agreement and difference. This expanded version also asks students to identify what neither side addressed — often the most revealing part of a debate.

Directions for Students:

Using the worksheet on the next page, fill in each of the four regions:

- Left column: claims made only by Video 1 (Heritage Foundation).
- Right column: claims made only by Video 2 (Ali Velshi).
- Overlap: points both videos actually agree on, including shared facts and shared framing.
- Outside box: important questions or considerations that neither video addresses at all.

After completing the worksheet, write one sentence explaining why the 'outside' section matters for understanding this debate.

Name _____

Date _____

Class _____ Period _____

Teacher _____

Venn Diagram Plus: Birthright Citizenship

Video 1 (Heritage)	BOTH agree	Video 2 (Ali Velshi)

What considerations did neither video address? _____

Activity 5: Fact vs. Opinion Sort

Distinguishing verifiable fact from opinion is a core civic skill, and a third category — disputable claim (a statement presented as fact that the other side actually contests) — is where most political argument lives. This activity asks students to sort statements from both videos into all three categories.

Directions for Students:

Read each statement below, all pulled from the two videos in this pairing. In your notebook, label each statement with one of the following categories:

- Fact — a claim that can be verified by an outside source (such as a date, a law, a court decision, or a census figure).
- Opinion — a statement of judgment, feeling, or preference (words such as "alarming," "should," and "dark" are useful clues).
- Disputable Claim — a statement presented as fact but actively contested by the other video or by a serious source outside the pairing.

Statements to Sort:

1. The 14th Amendment was ratified in 1868.
2. Universal birthright citizenship is actually a misinterpretation of the 14th Amendment.
3. Wong Kim Ark was born in San Francisco's Chinatown in 1873.
4. Most countries around the world do not provide birthright citizenship.
5. The Supreme Court's 1898 decision in *U.S. v. Wong Kim Ark* only stands for the very narrow proposition that children born of lawful permanent residents are U.S. citizens.
6. If you are born in the country, you're a citizen of this country.
7. The Chinese Exclusion Act barred Chinese laborers from entering the country.
8. President-elect Trump's crusade against birthright citizenship is so alarming.
9. Sen. Lyman Trumbull said that "subject to the jurisdiction" meant not owing allegiance to any other country.
10. Excluding the United States, 32 countries have some form of birthright citizenship.

After sorting, pair up with a classmate and compare answers. Focus your discussion on the items you categorized differently — especially anything you labeled a "disputable claim." As a class, discuss: does recognizing a disputable claim change how persuasive the video sounds?

Activity 5: Fact vs. Opinion Sort — Answer Key

1. **Fact.** A ratification date is verifiable against the historical record. The 14th Amendment was ratified in 1868. Accurate.
2. **Disputable Claim.** The word "actually" presents a contested reading as settled fact. Whether universal birthright citizenship misreads the 14th Amendment is the central question the two videos disagree on — and the precise issue now before the Supreme Court.
3. **Fact.** A birth year is a verifiable claim, which places it in the Fact category.
4. **Fact.** Verifiable with current sources. Roughly three dozen countries grant unrestricted birthright citizenship out of nearly 200 worldwide, so a clear majority do not. Accurate.
5. **Disputable Claim.** "Only ... very narrow proposition" is a contested interpretation of *U.S. v. Wong Kim Ark*. The opposing video holds that the decision established broad birthright citizenship. This is exactly the disagreement the pairing exists to surface.
6. **Disputable Claim.** This is the plain-language statement of universal birthright citizenship — the very proposition the other video contests. Presented as a flat fact, but disputed within the pairing.
7. **Fact.** Verifiable historical fact. The Chinese Exclusion Act of 1882 barred Chinese laborers from entering the United States. Accurate.
8. **Opinion.** "Alarming" is a judgment word, and "crusade" is a loaded characterization. A clear statement of feeling. (Note: "President-elect" was an accurate descriptor when the video was made — a factual detail embedded in an opinion.)
9. **Fact.** Verifiable as a record of what Trumbull said during the 1866 Senate debate. Teacher note: the fact is that he said it; whether his words control the meaning of the clause is the disputable claim (see #2 and #5).
10. **Fact.** Verifiable, and the count is in line with the standard tally for unrestricted jus soli (about 33 countries including the U.S., so 32 others).