

# HST 202: History of United States W19 (Escobar)

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### Legacy of Reconstruction

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**Legacy of Reconstruction**  
by [Joe Escobar](#) - Friday, February 22, 2019, 10:25 PM

This thread is for discussions on the Legacy of Reconstruction topic.

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IMPORTANT - SUBJECT LINES

BE SURE to use an informative subject line for your post, something that describes the specific claim (1-4) you are addressing. Do NOT simply leave it RE: Legacy of Reconstruction

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**What Lincoln left behind**  
by [Ha Neul Lee](#) - Monday, February 25, 2019, 12:30 AM

Abraham Lincoln, also known as Honest Abe, Black Republican, the Great Emancipater, the Victor of the American Civil War, the Hero has left us a lot of things since his death in Ford theater in 1865.

The 13,14 and 15 ammendments were the legacy of his work to free slaves from bondage. However nowadays we face a different issue. The issue of Birthright citizenship is a bigger issue than it was today. Birthright citizenship is one of the legacy that the civil war has brought into this country. Professor Foner explains that the US is the only country in the world that has this concept of Birthright Citizenship.

This is an excellent law to welcome immigration population and to announce unslaved African people to become full American citizens. However, nowadays some people miss use this law and come to American soil to give birth children and make them citizens. I am not saying that this is a bad thing but, does just being born in American soil make a person a American?

In my country Korea, we define our citizens based on their heritages if either one of their parents are Koreans their children are also Koreans. We don't define someone as a Koreans just because they are born in Korea. Heritage is a much more important thing than being born in a country.

However the United States are a different country and a interesting case because America was founded under descendants of different Caucasian national groups plus Indians, African Americans. America is different than other countries of the world. America was founded on freedom not ethnicity, some might say that America is a WASP but in my opinion its not your ethnicity that determines that your a American. Its very special.

I agree on Birthright citizenship but however, I think that some details must be in placed to this law.

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**Birth-Right Citizenship in the United States**  
by [Enya Smith](#) - Saturday, March 2, 2019, 4:24 PM

Keep in mind that the 13th and 15th Amendments have nothing to do with birth-right Citizenship, but rather with the rights of voting exclusively in terms of African Americans.

I think it's fascinating how prevalent the 14th Amendment is with modern immigration, especially when it only affected African Americans in the 1860s on, opposed to every ethnicity that came into the U.S. Native Americans, for example, [were not considered citizens until 1924](#). Chinese and other ethnically Asian populations in the U.S. didn't even have citizenship until the early 1900s, and [couldn't vote until the mid 1940s](#). If the 14th Amendment is supposed to offer citizenship, why didn't it offer citizenship to *all* ethnicities, rather than just African Americans? After all, many of them were, by definition, birthright citizens of the U.S.

[There was a lawsuit case](#) in the late 1890's following the Chinese Exclusion act put in place to prevent mass immigration of Chinese citizens. Wong Kim Arc was the child of two Chinese immigrants before the act passed in 1882, denying naturalization citizenship to Chinese migrant workers. When his family decided to flee rather than be persecuted by vigilantes, they took their son with them. However, Wong Kim Arc returned a few month later, got into a law-suit battle over the 14th Amendment, and won his rights of citizenship. However, discrimination lasted for several years, and it seems like that still remains the case today with Birth-Right Citizenship.

The U.S. status as a [salad bowl](#) country culturally makes it very difficult for us to determine who and who isn't a U.S. citizen by heritage. When Donald Trump proposed a law to repeal birthright citizenship, a lot of people overlooked the implications of immigration and why the 14th Amendment *needs* to stay in place for the sake of political naturalization. The removal of the act could displace any non-white citizens of the U.S. in a worst case scenerio. In a best, it could repeal the citizenship of several first-generation U.S. citizens who were granted citizenship by birthright.

If you were to rewrite the 14th Amendment and put exceptions to the law, what would you put to discourage illegal immigration and granted citizenship through births in the U.S.? Should citizenship only be granted to those with passports to the U.S.? What about visas? And how do we go about tweaking it so that a repeat of dehumanization doesn't occur?

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**Re: Birth-Right Citizenship in the United States**  
by [Owen McCoy](#) - Saturday, March 2, 2019, 5:29 PM

With respect to the first issue you brought up, how there were multiple cases of denying citizenship based on ethnicity despite the 14th Amendment having made it unconstitutional, I agree that this is interesting and it has happened before and will surely happen again. It brings up another point that Eric Foner made in his talk. He pointed out that “the 14th Amendment was ignored for many many decades.” This and the lack of sufficient resistance is what allowed the things you mentioned to happen.

In the case you mentioned where the Chinese immigrant sued for his birthright citizenship, he took one of the possible courses of action for such a scenario. The courts are supposed to uphold the constitution, and the did just that in their ruling. Another way of fighting for rights is by the persuasion of the public. As the Civil Rights movement grew larger, activists (with the constitution at their backs) claimed the rights that were rightfully theirs. The 14th Amendment could no longer be ignored, and the Civil Rights Act was passed.

The opposite of this took place during Reconstruction. Radical Republicans had a supermajority in Congress and were eager to enfranchise blacks and extend to them the rights of citizenship that the constitution now gave them as their birthright. However, resistance in the South to the new laws started small but grew larger. Some state legislatures wrote black codes that openly discriminated against blacks. Organizations like the Ku Klux Klan were formed “to destroy the Republican Party by terrorizing its voters and, if necessary, by murdering its leaders.” (textbook p. 581) When the Panic of 1873 set in, “public opinion also began to turn against Republican policies in the South.” (p. 583) Northern efforts to continue enforcing the new laws waned, and the end of Reconstruction ushered in decades of discrimination and “Jim Crow laws” in the South that weren’t challenged until the Civil Rights movement almost a century later.

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**Re: Birth-Right Citizenship in the United States**

by [Ha Neul Lee](#) - Monday, March 4, 2019, 9:40 PM

I guess this issue of Birthright citizenship is more complicated than I thought it was.

I mean I am not an American so, to me all of this thing is a 3rd person view but, I think that what defines a American and what is it to be an American that point can start with everyone at least being born in the same soil.

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**Re: Birth-Right Citizenship in the United States**

by [Ha Neul Lee](#) - Monday, March 4, 2019, 9:50 PM

I mean i can see the 14th ammendment in both ways, one way a law that defines everyone equal because everyone that is born as a citizen in this land can be announced equal by the law. The other way is that people who abuse this law and only use the crown of a American citizen for their own use not because they really want to become a American.

I think that maybe taking certain test and evaluation to determine why they want to become a American citizen might be a step to this process of birthright citizenship. I think the real question is why do you want to become a American? We all chose what we want to be sometimes than what we are born to be. This is a interesting question indeed.

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**Birthright citizenship in the 19th century as it applies to today.**

by [William Wilson](#) - Thursday, February 28, 2019, 3:36 PM

In the Fourteenth Amendment it constitutes who is an American citizen. Before the Civil war you were only a citizen by civic standards. This meant that if you were black, free or not, you could not be a citizen. This was decidedly so in the famous Dred Scott case. When the slave Dred Scott sued for his freedom he was denied on the basis that he was not a citizen and therefore the court had no jurisdiction on this case. When the 14th Amendment was passed in section 1 it defined all native-born or naturalized persons as being American citizens, this included blacks (Ch.17 pg. 570). This was not fully enforced throughout the nation for decades but the ramifications of who was considered a citizen was set down in law. When anyone is born on American soil they are defined as natural born citizens. This is a much heated argument especially in this day and age with the debate over the border wall and the deportation of undocumented immigrants. The so dubbed "anchor baby" claim allowed for many to become natural born citizens and to gain residence in the United States. This loophole has divided many Americans into debate, some to such degrees as polarizing opinions. One could argue that its being used as a political hot button issue to push agendas and undermine the American people and calling some to challenge the constitutional legitimacy and the Fourteenth Amendment. With camps set up along the border and undocumented immigrants being rounded up and deported it is very much a part of current day as it was upon its passing post Civil War.

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**Johnson vs. Trump: Birth Right and the 14th Amendment**

by [Enya Smith](#) - Friday, March 1, 2019, 7:44 PM

A few weeks ago in class, the topic about recolonization came up in regards for what to do with African Americans. One of the largest problems, the class determined, was that African Americans could not recolonize properly -- many of them were born on U.S soil, and had never known another life. The 14th Amendment changed everything, and gave many African Americans the hope they needed to feel safe living in the US. In 2018, however, [Donald Trump moved to repeal the 14th Amendment](#) to solve the 'immigration crisis' the president promised to end during his term as President. This same xenophobic behavior mimics Andrew Johnson's attempts to veto the 14th Amendment. In the podcast, Eric Foner described the immigration crisis today and compared it to the 19th century.

What I found intriguing is the lead up to the 14th amendment, the Freedmen Bureau, is considerably civil-rights focused, much like many of the programs to assist immigrants and their children exists today. Trump makes a claim that these programs are costing the government money, which was a favorable argument for Johnson when it came to veto'ing the act. It was also clear that the support that Johnson had primarily lied within the Southern Confederate states, who had been re-allowed into citizenship under Johnson's pardon and allowed to create 'black-codes' to use to discriminate and dehumanize African Americans. This second-hand citizenship attitude the Congress's frustration with Johnson's nationalist attitude eventually lead to the passing of the 14th Amendment -- the response to the veto in the first place. Andrew Johnson tried to encourage the states to forgo ratifying the measure in their own state, only to have the congress turn around and enforce it anyhow. Parallels can be drawn by the constant back and forth of our own country -- Trump's attempt to repeal the movement and the Congress refusing. The most important to note is, in an attempt to solve a civil crisis and prevent recolonization and citizenship issues, the Congress passed the 14th amendment -- the right to citizenship on U.S. soil.

This same amendment is often used in debates about the Mexican-American immigration crisis ever-growing in the U.S. Last year, Donald Trump tried to pass a law that would repeal the 14th amendment, which raised several issues about the state of the government, what kind of powers the president had vs. the congress, and *who* would be affected by the issue. [In an NPR segment](#), Professor Martha S. Jones of Johns Hopkins University brought up her biggest concern with the 14th amendment being passed: " It is the concern that really no one knows where that might take African-Americans." She fears that the repeal of the 14th Amendment will not only affect children born to illegal immigrants, but could potentially harm African Americans and repeal the very law that granted them freedom on U.S. soil in the first place.

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**Ethnic and Civic nationalism**

by [Christopher Bischoff](#) - Friday, March 1, 2019, 10:03 PM

In Eric Foner’s podcast, one of the things he talks about are the differences of ethnic and civic nationalism. Ethnic nationalism is based on a common folk, language, culture and ancestry. An examples would be a small homogenous culture like Germany. Whereas Civic nationalism is based on the idea that anybody can become a U.S. citizen. However, Foner argues that America was based on Ethnic nationalism for the first half century or more. I think that the beginning of the turning point from Ethnic to Civic nationalism were the Fourteenth & Fifteenth Amendments. The reason I think those were the turning points are because those two amendments broke the divide between Blacks and Whites participating in the political community. “With final ratification of the Fifteenth Amendment in 1870, the Constitution became truly color blind for the first time in U.S. history.” (Murrin 575).

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**Re: Ethnic and Civic nationalism**

by [Owen McCoy](#) - Saturday, March 2, 2019, 10:16 PM

I agree that these amendments were a turning point and furthermore, the Reconstruction movement was designed to bring about civic nationalism. I think it was more successful in the North overall. Blacks in the South enjoyed the success of Reconstruction for only about a decade until the movement collapsed and the South sunk back into a segregated state. The developing West faced its own challenges with ethnic discrimination (among other things), but "the two mainstream political parties, however, seemed indifferent to these problems." (p.621) Also, "most southern states passed Jim Crow laws mandating racial segregation in public facilities of all kinds." (p. 620) This was one of several attempts to reinstate ethnic nationalism in America. However, ethnic nationalism became a more distant idea as more immigrants came into the country that now contained a diverse mix of ethnic groups.

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**Re: Legacy of Reconstruction**

by [Robert Whitney](#) - Friday, March 1, 2019, 11:44 PM

The history of freedom in the United States is one of many ups and downs. Many people believe that America has and always will be the land of the free. While it is nice to think, that is far from the trust. At the start of our nation, true freedoms were given to wealthy and powerful white men. For over 90 years after, freedom was extended for white males only. The right to vote was slowly extended and the restrictions were lessened. Leading up to the Civil War, questions over the ethics of slavery grew among the nation, also raising the question about which freedoms

slaves deserved. Following the emancipation of four million slaves, America was confused as to what rights the newly added members of society would receive. One right they earned, which many people forget about and take for granted, is birthright citizenship. The freed slaves paved a way for future immigrants to earn their citizenship. While the new citizens of the 1860's earned new freedoms, some people did not like it. The right to vote for blacks gave birth to the Klu Klux Klan whose main goal was to prevent blacks from voting. In summary, blacks were slaves, earned the right to vote, then some had their right to vote taken away by threat of death or injury. Hence the up and down of freedoms. While blacks in the 1860's and 1870's constitutionally earned their rights, it took almost 100 years for them to be re-affirmed with the civil rights movements in the 1950's and 60's.

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**Enforcing the law**  
by [Owen McCoy](#) - Saturday, March 2, 2019, 9:18 AM

After listening to Foner’s talk, the one statement that resonated the most to me was that “rights are not self-enforcing.” A law can be written on paper and still be ignored or circumvented. During Reconstruction, the 13th, 14th, and 15th Amendments gave freed slaves more rights. However, Southerners found other ways to deny blacks the rights of citizenship. Black Codes, Jim Crow laws, and even violence were used. Northern congressmen were initially zealous about Reconstruction, but as years past the movement lost momentum and eventually collapsed when the economy did. Southerners continued to deny rights to blacks, and without any opposition from the North, the South returned to a state similar to its pre-war state in which social mobility and voting rights were restricted among blacks.

Another example of this is the supreme court ruling on the Indian Removal Act. The court ruled it unconstitutional, but president Jackson simply ignored the ruling, saying “Marshall has made his decision. Now let him enforce it.”

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**Re: Enforcing the law**  
by [Ha Neul Lee](#) - Monday, March 4, 2019, 1:15 AM

Yeah its what I think that is the price we have to pay living in a free world. In a free world people sometimes follow rules and sometimes they don't follow the rules they need to follow. Slavery was vanquished more than 150 years ago and its been a while since slaves or slave decendants have been accepted as Americans but I just think still some people today don't accept the fact that all people are created equal and are equal according to the law. It might take a while for racism to go away, my mother said that sometimes norms last long than laws.

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**Birthright Citizenship**  
by [Nicolette D Erazo](#) - Saturday, March 2, 2019, 10:51 PM

Before the Civil War, birthright citizenship did not exist because as Foner stated," The U.S. was full of free blacks who were not deemed to be citizens." (Legacy of Reconstruction Video) They were born is the U.S. but did not have the same rights as white people. Today this idea no longer applies because anyone who is born in the U.S. is given birthright citizenship according to the 14th Amendment.

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**Re: Birthright Citizenship**  
by [Ha Neul Lee](#) - Monday, March 4, 2019, 1:24 AM

So than what makes an American? White skin caucasians who is a protestant that speaks American English? I think that was the definition of a American before the civil war. Even thou its ironic no one is native born in America not even the Indians. The pilgrims came to American soil and claim themselves so, called "Americans" even thou they are English men who only came to America for freedom of religion. The African slaves came here unwillingly and settled as servants. As a outsider of this country I don't know who is a real American. I think Birthright citizenship establishes that idea of a American into the roots of a country. Not everyone in America is the same race but if everyone is born here they can all be called Americans.

Birthright citizenship is not just something that made African people Americans but, it is what makes a everyone in this country the same people, equal by birth. I think thats something that Lincoln was seeing further.

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**Re: Birthright Citizenship**

by [Robert Whitney](#) - Monday, March 4, 2019, 9:15 PM

The concept and definition of a true free American has changed immensely since the beginning of our nation. It took until 1920 to have all of our citizens that were of age to be legally allowed to vote. In the 18th and 19th century a large portion of the population wasn't even allowed to vote. It took decades for just all white males to even be allowed to own property. Over time, like with most things, the condition of the average American got better. Some races' and sexes' conditions got better quicker however. The Reconstruction period laid the foundation for future Americans for generations to come. The Amendments passed have served many immigrants and have protected all children born in this country. I believe that we are living in the golden age of the American right now. If anyone had to be born at any period of American history up until now, they would probably choose now.

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**the difference between racial and civic nationalism as it relates to reconstruction**

by [Justin Miller](#) - Sunday, March 3, 2019, 3:59 PM

During reconstruction, non-whites gained the ability to become citizens, allowing them to vote and have other rights. This is far different than before where any one that was not white and that was considered a foreigner was not allowed to become a citizen.

This is profound as it shows a sudden shift of America from a nation of and for white men, to a nation, at least in name, of and for both white and black men. This profound shift in nationalism from a country for whites to a country for rights shows the profound difference between racial and civic nationalism.

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**Re: the difference between racial and civic nationalism as it relates to reconstruction**

by [Ha Neul Lee](#) - Monday, March 4, 2019, 1:32 AM

"A small footstep for me, a large footstep for man kind", I agree this is a huge change in American society that recognize not just Whites but everyone a chance to become Americans. It may have been a hard trial to pass the law, watching the movie "Lincoln" I was angry at the Democrats, but the fathers did it for us and beyond our generation.

Now its up to us to take another step .

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**Re: Legacy of Reconstruction**

by [Ha Neul Lee](#) - Monday, March 4, 2019, 1:58 AM

After listening to Foner again about the 14th ammendment and birthright citizenship, I asked myself again what makes and American? Who is an American? Why do people chose to be an American?

Most countries like Germany, France, Japan, Korea etc the definition of a citizen is based on your race, heritage and your family background. However in America it is different, lets put ourselves in President Lincoln's position and think how do I make American African people(including free and slaves) and white or other caucasians equal in this country?

First you get rid of slavery by the Emancipation Proclamation aka 13th ammendment, that will make everyone equal in social status. Next you can't just give 12 million ex-slaves citizenship that would be to radical even for Lincoln since we know he did not see them as equal beings however i think he tried to see them as equal beings. So, that is the reason why he made a additional ammendment proclaiming at least the American soil born slaves into American citizens. Finally, the most powerful thing of a citizen is the right to vote, Ammendment 16, "no American citizen vote will be denied in any matter".

This is how you make a slave into a American citizen. This applies to not only slaves but also the Irish, Germans, Italians, Chinese and everyone else that comes to settle in the United States. It's not race nor religion that unites these different races but, birthright citizenship. Something that pulls everyone to the table into a common ground and united them. Lincoln said, "A house divided against itself, cannot stand. I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other."

There may be some steps and rules about people just coming into the US and just give birth to their baby and leaving but, birthright citizenship is something special and something that is powerful in this country able to united everyone under the flag and the constitution. I admire this law as a non American.

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**Number 2: racial nationalism and civic nationalism**

by [Margaret Batz](#) - Monday, March 4, 2019, 6:10 PM

Number 2: racial nationalism and civic nationalism

Foner talked about this issue and said that citizenship was not defined as birth but defined as race. Places like Germany was ethnic nationalism and it was based on language and culture. United States was civic nationalism and anyone could become a citizen but that wasn't how it always was he explained. Abolitionists had the idea of civic nationalism.

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**Re: Number 2: racial nationalism and civic nationalism**

by [Robert Whitney](#) - Monday, March 4, 2019, 9:27 PM

Foner also presents the idea that for the first half century our nation was one that had ethnic nationalism. He argues that the roots of our ethnic nationalism stemmed from our divided races because of slavery. The Civil War brought freed slaves and forced the white public to mesh with blacks. While at fist it was terrible for blacks and most of their rights were not actually given to them or enforced. However, this change was necessary for the development of white and black relationships. Without the reconstruction portion of our history, we might not have the guaranteed freedoms for minorities and immigrants.

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**Passing VS Enforcing Laws**

by [Robert Whitney](#) - Monday, March 4, 2019, 8:55 PM

Over the course of the history of the United States, the governments local to federal have passed and rescinded many laws. In the case of the Klu Klux Klan in 1870 and 1871, the federal government sent troops and passed laws that helped to enforce the fourteenth and fifteenth Amendments. However, Foner presents the case that "rights on the books are not self enforcing." He goes on to state that the new Amendments regarding the black citizens were ignored and the civil rights laws were also ignored. It took almost a whole century for the American public to recognize and enforce the laws set in place for black Americans achieved because of the Civil War and during Reconstruction. Foner also notes that the constitution did not need to be changed for the civil rights movements in the 1950's and 60's because all that needed to happen was the laws needed to be enforced. In summary, the constitution, and laws in general don't mean very much. What actually matters is the enforcement of the rules. The black Americans of the 1860's through the 1960's had most of the rights they needed and wanted. The only thing stopping them from achieving them was the lack of enforcement for those laws.

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