

Teacher Resource

**Teaching U.S. Immigration Series:**  
**Immigration and  
Reconstruction**





## TABLE OF CONTENTS

---

<b>pg. 1</b>	<b>Introduction</b>
<b>pg. 2</b>	<b>Lesson One: Reconstructing Citizenship</b>
pg. 3	Lesson Plan
pg. 12	Worksheets
pg. 15	Primary Source Texts
<b>pg. 19</b>	<b>Lesson Two: Border Control</b>
pg. 20	Lesson Plan
pg. 24	Map
<b>pg. 25</b>	<b>Handout: Print-Friendly Guide to Resources</b>

# Introduction

---

Humans have been migrating throughout every place and time in our history. Since migration touches every part of life, it is relevant to almost any subject matter. The Teaching U.S. Immigration Series was created to make it easy for you to explore and incorporate immigration as it relates to the social studies topics you are already teaching.

The period after the Civil War known as Reconstruction was a critical time period in U.S. history in which the United States grappled with its identity as a nation and the meaning of citizenship. Black Americans, many recently freed and immediately targeted as a significant “other” group in the history of a nation that saw itself as white, began the struggle for full citizenship and equal rights. Their battle to take their place as full members of society forced the still-young state and federal governments to confront two questions that we now associate with modern immigration debates: “Who can be a citizen?” and “Who can enter the country?” Each question is explored by one lesson in this curriculum bundle.

In “Reconstructing Citizenship,” students examine the social and legal changes to citizenship that occurred after the Emancipation Proclamation through four primary source texts. An extension activity provides suggestions for a research project on landmark Supreme Court cases that marked shifts in a national understanding of birthright citizenship: *Dred Scott v. Sandford* (1857) and *The United States v. Wong Kim Ark* (1898). In “Border Control,” students critically consider the nature of borders and the effects of border restrictions, learning about the history of Black exclusion laws that individual states enacted to limit the movement of Black migrants within the United States, a tension that eventually resulted in the present-day understanding that migration is handled at the federal level, not state-by-state.

Each of the lesson plans is designed to be flexible and adaptable based on the needs of your class, whether in-person or online, including options for student-text interaction. The lessons can be used independently or together, and each encourages critical thinking and connections between history and the modern social and political context, preparing students to be informed and engaged citizens in the 21<sup>st</sup> century.

# Lesson One

---

## Reconstructing Citizenship

### Educator Notes

In this lesson, students will be presented with a set of primary source texts for the purpose of tracing the social and legal changes to citizenship that occurred after the Emancipation Proclamation. The lesson begins with some building of background knowledge. Specifically, students will need to have a base understanding of the Naturalization Act of 1790, which was ultimately replaced by the Naturalization Act of 1870, and a short activity related to the Naturalization Act of 1790 is offered as either a [Do Now](#) or the previous night's homework. An opening group discussion and some quick-writes (or turn-and-talks, or any variation) activate students' prior knowledge and current thinking on citizenship in their world, which sets them up to grasp its importance to various groups in 1865.

Students then dive into a primary source investigation of two laws and two texts advocating for changes to laws from the mid to late 1800s. The four texts, each with an accompanying focus question, can be approached in several ways:

- Students can work in small groups to tackle individually assigned texts and then share with the other members. As the texts are of varying lengths and difficulties, this leaves space for intentional differentiation in text assignment.
- A “jigsaw” system, in which students from various groups who are assigned the same text collaborate before returning to their original group, can further support students.
- Students can work straight through the text set individually or in pairs.

As the class works through the legal history, additional questions may arise about the various ethnic groups in the United States at the time and their eligibility for citizenship. It's important to note for students that our divisions of races and ethnicities have changed over time. For example, Mexicans in United States territory were largely considered to be white. When this lesson begins in 1865, only white residents (including European immigrants) were eligible for citizenship by birth or naturalization. The 14th Amendment granted citizenship by birth to Black residents and residents from other ethnic groups, with the exception of Native Americans, who were not included for citizenship until 1924. The Naturalization Act of 1870 added citizenship by naturalization for Black residents, leaving a gap of eligibility for naturalization for other ethnic groups. For more information, view the [Timeline by Immigration History](#).

Finally, this lesson is intended to give students a deeper understanding of the history behind U.S. citizenship laws, but it is not the place for a debate about current citizenship laws. Your students and their loved ones may have different citizenship statuses, and it is important to avoid situations where a student might inadvertently harm another student's sense of belonging.

# Lesson Plan:

## Reconstructing Citizenship

---

### Objective

- Students will draw connections between the emancipation of enslaved African people and citizenship laws affecting immigrants.

### Guiding Questions

- How did the emancipation of enslaved African people lead to changes in American citizenship laws? Who was included in citizenship, and who remained left out?
- Who fought for American citizenship, and who is still fighting?

### Common Core Standards

#### Grades 6-8

##### CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

##### CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

##### CCSS.ELA-LITERACY.RH.6-8.7

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

##### CCSS.ELA-LITERACY.RH.6-8.10

By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

**(Continued on next page)**

# Common Core Standards

## Grades 9-10 (continued)

### CCSS.ELA-LITERACY.RH.9-10.1

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

### CCSS.ELA-LITERACY.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

### CCSS.ELA-LITERACY.RH.9-10.7

Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

### CCSS.ELA-LITERACY.RH.9-10.10

By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

## Grades 11-12

### CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

### CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

### CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

### CCSS.ELA-LITERACY.RH.11-12.10

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

## Materials

- Copies of or access to [The Naturalization Act of 1790](#) handout, available at the end of this lesson.
- Copies of, access to or a display of [Citizenship laws across the world](#) (From [Inclusive citizenship laws tend to foster economic development](#), International Monetary Fund)
- Copies of or access to the [Reconstructing Citizenship](#) handout, available at the end of this lesson.
- Copies of or access to one or more of the four Reconstructing Citizenship Texts, available at the end of this lesson.
  - ▶ [Text 1: Petition of Colored Citizens of South Carolina for Equal Rights Before the Law, and the Elective Franchise, 1865](#)
  - ▶ [Text 2: Section 1 of the 14th Amendment to the Constitution of the United States, 1868](#)
  - ▶ [Text 3: Proposed change to naturalization laws by Senator Charles Sumner, 1870](#)
  - ▶ [Text 4: Naturalization Act of 1870](#)
- Copies of or access to [Reconstructing Citizenship Reflection](#), available at the end of this lesson.

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

### The Naturalization Act of 1790

**Vocabulary**

- ▶ **Citizen:** a legal member of a country or state, either native-born or naturalized
- ▶ **Naturalization:** the process of becoming a citizen
- ▶ **Alien:** a person who is not a citizen of their country of residence

**Read the original text of the Act below and answer the questions.**

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any Alien being a free white person, who shall have resided within the jurisdiction of the United States for the term of two years, may be admitted to thereof on application to any common law Court of record in any one of the States have resided for the term of one year at least, and making proof to the satisfaction he is a person of good character, and taking the oath or affirmation prescribed by the Constitution of the United States, which Oath or Affirmation such Court shall administer; and such Court shall record such Application, and the proceedings thereon; and thereafter he shall be considered as a Citizen of the United States. And the children of such persons dwelling within the United States, being under the age of twenty one years at the time of naturalization, shall also be considered as citizens of the United States."

1. According to this law, who could become a citizen through naturalization and what immigrants have to do to gain citizenship rights?
2. Who would have been excluded from citizenship through naturalization under this law?

Lesson One: Reconstructing Citizenship

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

### Reconstructing Citizenship

1. What is the definition of citizenship?
2. Why does citizenship matter?
3. Who do citizenship laws matter to?

**Text 1:** What were the main arguments the Petition of Colored Citizens used to advocate for equal rights?

**Text 2:** What was the purpose of the 14th amendment? In combination with the existing naturalization law, is anything still unclear?

**Text 3:** What major change did Senator Sumner propose to naturalization laws?

**Text 4:** What change to naturalization eligibility did Congress end up adopting? Who was specifically designed to leave out?

Lesson One: Reconstructing Citizenship

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

### Reconstructing Citizenship Reflection

1. How did the emancipation of enslaved African people lead to changes in American citizenship laws? Who was included in citizenship and who remained left out?
2. What did you learn today that surprised you? What did not surprise you? Why?

Lesson One: Reconstructing Citizenship Worksheet

## Activities

### Do Now or Pre-Work:

Read through the excerpt in the [Naturalization Act of 1790](#) handout and answer the two questions:

1. According to this law, who could become a citizen through naturalization and what did eligible immigrants have to do to gain citizenship rights?
2. Who would have been excluded from citizenship through naturalization under this law?

Collect the finished handouts or have students compare their answers with a partner.

### Opening:

Display or give students access to copies of this map: [Citizenship laws across the world](#) ([International Monetary Fund](#)). Give them a few minutes to discuss in groups without offering context or information. Students may want to record observations, inferences and questions. Guide a group discussion toward these questions:

1. What does citizenship mean?
2. What do you think *jus sanguinis* (law of blood) means? *Jus soli* (law of the soil)? What do you think “mixed regime” could look like?
3. What do you notice about the distribution of the three colors? What guesses do you have about why this is?
4. What else could be added to or changed about this map?

Answer students’ questions once they’ve had a chance to draw accurate conclusions on their own. Clarify as needed that a central foundation of American citizenship is what’s called **birthright citizenship**, by which anyone born in the United States is automatically a citizen, even if their parents aren’t. Some countries have laws stating that only children of citizens are automatically citizens.

### Quick Writes:

Distribute copies of or give students access to the [Reconstructing Citizenship](#) handout. Ask the students to think about, respond to and share their answers to the three opening questions in a quick-write, think-pair-share or other format that works for your class.

### Opening Questions

1. What is the definition of citizenship?
2. Why does citizenship matter?
3. Who do citizenship laws matter to?

Students will answer the remaining questions on the handout in the Primary Source Investigations activity.

**(Continued on next page)**



## Activities (continued)

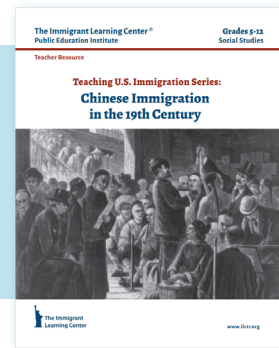
### Primary Source Investigations:

Let students know that now you'll be setting yourselves back in time to 1865. The enslaved African people and their descendants have just been legally freed by the 13<sup>th</sup> Amendment. Right now, the only real immigration law on the books is the Naturalization Act of 1790. Ask students:

- ▶ Who could officially become citizens according to the current law as of 1865?
- ▶ Who else is in the country who is not currently eligible for citizenship?
- ▶ Based on this text, was the 1790 law more *jus sanguinis* or *jus soli*?

Remind students that in addition to U.S.-born white people (citizens) and Black formerly enslaved people (currently not eligible for citizenship), there were several large populations of immigrants including Irish (eligible for citizenship), German (eligible) and Chinese (not eligible). A chart could be introduced here, if helpful.

**For a deeper dive into immigration during this time period,** check out [Teaching Chinese Immigration in the 19th Century: Lesson Plans and Resources](#).



As soon as the 13th Amendment was passed, many states began passing Black Codes, laws to restrict the freedoms of formerly enslaved people. Black people continued their ongoing fight to be recognized as citizens in the courts, the government and every other way possible. Because of their advocacy and ongoing debates in Congress and around the country, there were a lot of changes in immigration law at this time as the federal government began to really regulate citizenship in a country that was rapidly growing and changing.

Let students know that they'll be tracing these changes through a set of four primary source texts, each with a focus question to guide their reading (found in the [Reconstructing Citizenship](#) handout). Before or while distributing texts, it may be helpful to orient students to the subtitle under the heading, which contains information about each text. Note that they are in chronological order and that two are laws and two are advocating for changes to laws.

- ▶ Petition of Colored Citizens of South Carolina for Equal Rights Before the Law, and the Elective Franchise, 1865 (Note the use of the word "Citizen")
- ▶ Section 1 of the 14th Amendment to the Constitution of the United States, 1868
- ▶ Proposed change to naturalization laws by Senator Charles Sumner, 1870
- ▶ Naturalization Act of 1870

See [educator notes](#) for various ways to approach the text set.

**(Continued on next page)**

## Activities (continued)

### Closing:

After students have concluded their work, ensure that they have a chance (in a small group or whole-class debrief) to step back and consider the answers to the focus questions in order to get a complete picture of what occurred. Ask students to respond to the following two questions, in discussion or in writing:

1. How did the emancipation of enslaved African people lead to changes in American citizenship laws? Who was included in citizenship, and who remained left out?
2. What did you learn today that surprised you? What did not surprise you? Why?

## Extension: Birthright Citizenship and Landmark Court Cases

### Guiding Question:

How did acts of resistance through the court system change the nation's understanding of birthright citizenship?

### Background:

“Reconstructing Citizenship” delves deeply into the legal boundaries of citizenship and how they have changed over time. This foundational understanding of the 14<sup>th</sup> Amendment and the Naturalization Act of 1870 would be enhanced by an examination of critical Supreme Court cases, two in particular, that bookended the shifts in a national understanding of birthright citizenship during Reconstruction: *Dred Scott v. Sandford* (1857) and *United States v. Wong Kim Ark* (1898). Both of these cases would be rich material for a student research project or an excellent use of additional class time using some of our recommended resources below.

For further connected research on citizenship, we also recommend exploring *Elk v. Wilkins* (1884), which ruled that the 14<sup>th</sup> Amendment's Citizenship Clause did not apply to Native Americans born on reservations, and *Tuaua v. United States* (2016), a case against federal laws denying citizenship to Americans born in United States territories, which was ultimately denied review by the Supreme Court.

### Supreme Court Cases:

#### ***Dred Scott v. Sandford* (1857)**

##### Summary (excerpt from [C-SPAN's Landmark Cases](#)):

*Dred Scott v. Sandford* (1857) denied blacks citizenship under the Constitution and invalidated the Missouri Compromise, Congress' effort to balance slave and free states. The Court's 7-2 ruling held that a black man—no matter free or slave—could never be a U.S. citizen or sue in federal courts.

Born a slave, Dred Scott traveled with his owner, army doctor John Emerson, from the slave state of Missouri to Illinois and Wisconsin (a free state and territory) before returning to St. Louis. Three years after Dr. Emerson died in 1843, Scott sued to win his freedom. He asserted that he became free once he set foot on free soil. Chief Justice Roger Taney, in his opinion for the Supreme Court, stated that Scott's race barred him from citizenship and legal recourse. The Chief Justice further concluded that it was unconstitutional for an act of Congress to designate free territories. Taney intended his decision to solve the slavery question, but it had the opposite effect, further inflaming tensions between North and South and hastening the Civil War. It is widely regarded as the worst decision in the history of the Supreme Court

##### Resources

- ▶ [Dred Scott v. Sandford \(1857\), 60 U.S. 393](#)  
Cornell Law School's Legal Information Institute has the full text of the Supreme Court decision.
- ▶ [Dred Scott v. Sandford \(1857\)](#)  
This iCivics lesson plan for middle or high school students includes student materials and can be completed on paper or digitally.
- ▶ [Landmark Supreme Court Case: Dred Scott v. Sandford](#)  
This video-based lesson plan from C-SPAN examines the historical context, details and implications of the court case and its outcome.

**(Continued on next page)**

## Extension: Birthright Citizenship and Landmark Court Cases (continued)

### Supreme Court Cases:

#### ***The United States v. Wong Kim Ark (1898)***

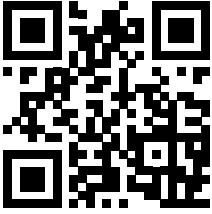
##### Summary (excerpt from [Re-Imagining Migration](#)):

Citizenship in the United States is granted not solely by ancestral lineage, but by *jus soli*, or birthright citizenship, as well. In other words, if you are born in the United States, you have a legal right to [citizenship] regardless of your parents, and their citizenship status. That right was affirmed by the U.S. Supreme Court in the case of *The United States v. Wong Kim Ark* in 1898. Wong Kim Ark was born in the U.S. and had traveled to China several times. In 1894, when he was returning from one of those visits, he was denied entry to the U.S. on the grounds that he was not a citizen. Ruling in his favor, Justice Gray explained, “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.”

##### Resources

- ▶ [United States v. Wong Kim Ark . 169 U.S. 649 \(1898\)](#)  
Cornell Law School’s Legal Information Institute has the full text of the Supreme Court decision.
- ▶ [United States v. Wong Kim Ark \(1898\)](#)  
This iCivics lesson plan for middle or high school students includes all student materials and can be completed on paper or digitally.
- ▶ [Immigration and Birthright Citizenship: Wong Kim Ark and the 14th Amendment](#)  
This resource from Re-Imagining Migration connects this court case to modern discussions of citizenship rights, and it includes media and teaching ideas.

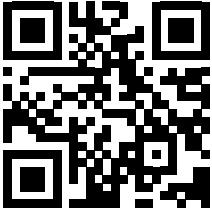
## More Resources



### The 14th Amendment and Birthright Citizenship

Lesson plan from The American Civil War Museum featuring a video from an expert in the field who delves into the debates over slavery, emancipation and citizenship. Grades 6-12.

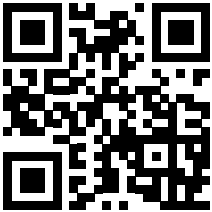
<https://bit.ly/3z6iqXe>



### Exploring the Fourteenth Amendment

Lesson plan from the Judicial Learning Center, a deep investigation of the three elements of the 14th Amendment (due process, equal protections and citizenship). Grades 9-12.

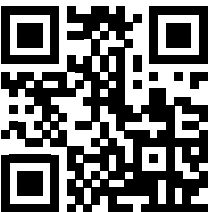
<https://bit.ly/3FbNecR>



### Immigration and Birthright Citizenship: Wong Kim Ark and the 14th Amendment

This resource from Re-Imagining Migration connects this court case to modern discussions of citizenship rights, and it includes media and teaching ideas.

<https://bit.ly/3FbhiW5>



### Reconstructing Citizenship

An online exhibition from the National Museum of African American History & Culture

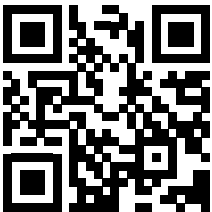
<https://s.si.edu/3TSftBs>



### Made in America: Myths & Facts About Birthright Citizenship

Resource from the Immigration Policy Center (now American Immigration Council), compiling four articles from field experts

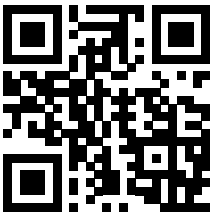
<https://bit.ly/3TyMO4T>



### The Real Origins of Birthright Citizenship

Article from *The Atlantic* written by a prominent academic on this topic

<https://bit.ly/2Jsq03v>



### The Civil War, Reconstruction, and the Origins of Birthright Citizenship

Article adapted from an academic lecture with accompanying primary source images

<https://bit.ly/3MYoAOY>

## The Naturalization Act of 1790

### Vocabulary

- ▶ **Citizen:** a legal member of a country or state, either native-born or naturalized
- ▶ **Naturalization:** the process of becoming a citizen
- ▶ **Alien:** a person who is not a citizen of their country of residence

### Read the original text of the Act below and answer the questions.

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any Alien being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof on application to any common law Court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such Court that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States, which Oath or Affirmation such Court shall administer, and the Clerk of such Court shall record such Application, and the proceedings thereon; and thereupon such person shall be considered as a Citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty one years at the time of such naturalization, shall also be considered as citizens of the United States."

1. According to this law, who could become a citizen through naturalization and what did eligible immigrants have to do to gain citizenship rights?
  
  
  
  
  
  
  
  
  
  
2. Who would have been excluded from citizenship through naturalization under this law?

## Reconstructing Citizenship

1. What is the definition of citizenship?

2. Why does citizenship matter?

3. Who do citizenship laws matter to?

**Text 1:** What were the main arguments the Petition of Colored Citizens used to advocate for citizenship?

**Text 2:** What was the purpose of the 14th amendment? In combination with the existing 1790 naturalization law, is anything still unclear?

**Text 3:** What major change did Senator Sumner propose to naturalization laws?

**Text 4:** What change to naturalization eligibility did Congress end up adopting? Who might this specifically be designed to leave out?

## Reconstructing Citizenship Reflection

1. How did the emancipation of enslaved African people lead to changes in American citizenship laws? Who was included in citizenship and who remained left out?

2. What did you learn today that surprised you? What did not surprise you? Why?



## Materials: Primary Source Text

### Text 1: Petition of Colored Citizens of South Carolina for Equal Rights Before the Law, and the Elective Franchise, 1865

To the Honorable Senate and House of Representatives in Congress assembled. We the undersigned colored citizens of South Carolina, do respectfully ask your Honorable Body, in consideration of our unquestioned loyalty, exhibited by us alike as bond or free;—as soldier or laborer;—in the Union lines under the protection of the government; or within the rebel lines under the domination of the rebellion; that in the exercise of your high authority, over the re-establishment of civil government in South Carolina, our equal rights before the law may be respected;— that in the formation and adoption of the fundamental law of the state, we may have an equal voice with all loyal citizens; and that your Honorable Body will not sanction any state Constitution, which does not secure the exercise of the right of the elective franchise to all loyal citizens, otherwise qualified in common course of American law, without distinction of Color — Without this political privilege we will have no security for our personal rights and no means to secure the blessings of education to our children.

The state needs our vote, to make the state loyal to the Union, and to bring its laws and administration into harmony with the present dearly bought policy of the country, and we respectfully suggest that had the constitution of South Carolina been heretofore, as we now ask that it shall be hereafter, this state would never have led one third of the United States into treason against the nation.

For this object, your petitioners will as in duty bound, ever pray &c.

**Note:** "&c" is an abbreviation of "et cetera" that was commonly used prior to the 20th century.

## Primary Source Text

### **Text 2: Section 1 of the 14<sup>th</sup> Amendment to the Constitution of the United States, 1868**

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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## Primary Source Text

### **Text 3: Proposed change to naturalization laws by Senator Charles Sumner, 1870**

“I offer a new section, which has already been reported upon favorably by the Judiciary Committee:

And be it further enacted, that all acts of Congress relating to naturalization be, and the same are hereby, amended by striking out the word "white" wherever it occurs, so that in naturalization there shall be no distinction of race or color.

You are now revising the naturalization system, and I propose to strike out from that system a refinement disgraceful to this country and to this age. I propose to bring our system in harmony with the Declaration of Independence and the Constitution of the United States. The word 'white' cannot be found in either of these two great title deeds of the Republic. How can you place it in your statutes?”

## Primary Source Text

### Text 4: Naturalization Act of 1870

*An Act to amend the Naturalization Laws and to punish Crimes against the same, and for other Purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any oath, affirmation, or affidavit shall be made or taken under or by virtue of any act or law relating to the naturalization of aliens, or in any proceedings under such acts or laws, and any person or persons taking or making such oath, affirmation, or affidavit, shall knowingly swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall upon conviction thereof be sentenced to imprisonment for a term not exceeding five years and not less than one year, and to a fine not exceeding one thousand dollars.*

*And be it further enacted, That if any person applying to be admitted a citizen, or appearing as a witness for any such person, shall knowingly personate any other person than himself, or falsely appear in the name of a deceased person, or in an assumed or fictitious name, or if any person shall falsely make, forge, or counterfeit any oath, affirmation, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law or act relating to or providing for the naturalization of aliens; or shall utter, sell, dispose of, or use as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, affirmation, notice, certificate, order, record, signature, instrument, paper, or proceeding as aforesaid; or sell or dispose of to any person other than the person for whom it was originally issued, any certificate of citizenship, or certificate showing any person to be admitted a citizen;*

*... every person so offending shall be deemed and adjudged guilty of felony, and, on conviction thereof, shall be sentenced to be imprisoned and kept at hard labor for a period not less than one year nor more than five years, or be fined in a sum not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed, in the discretion of the court.*

*And be it further enacted, That the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent.*

# Lesson Two

---

## Border Control

### Educator Notes

In this lesson, students will be asked to critically consider the nature of borders and border restrictions within and around the United States. An often-overlooked connection between the Reconstruction era and immigration is that this was one of the first coordinated attempts to restrict the movement of groups of people, albeit within, rather than entering, the United States. After enslaved people were freed and began the battle for full citizenship, states responded by passing laws that closed borders to Black migrants.

The lesson opens with an activity adapted from Project Zero, "[Everyday Borders](#)," encouraging students to think broadly and flexibly about borders of all sizes and preparing them to understand that modern U.S. practices around state and national borders have not historically been static. A map displaying state laws against Black migrants and a reading diving into the Black exclusion laws of one state give students an opportunity to learn more about this chapter in United States migration policy.

# Lesson Plan:

## Border Control

---

### Objectives

- Students will understand the difference in United States border regulation practices before and after Reconstruction.
- Students will make connections between state laws excluding Black migrants and national immigration policies that came after.

### Guiding Questions

- Who were the first “illegal immigrants” in the United States?
- How did border regulation shift from before to after Reconstruction?

### Common Core Standards

#### Grades 6-8

##### CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

##### CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

##### CCSS.ELA-LITERACY.RH.6-8.7

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

##### CCSS.ELA-LITERACY.RH.6-8.10

By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

**(Continued on next page)**

## Common Core Standards (continued)

### Grades 9-10 (continued)

#### CCSS.ELA-LITERACY.RH.9-10.1

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

#### CCSS.ELA-LITERACY.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

#### CCSS.ELA-LITERACY.RH.9-10.7

Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

#### CCSS.ELA-LITERACY.RH.9-10.10

By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

### Grades 11-12

#### CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

#### CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

#### CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

#### CCSS.ELA-LITERACY.RH.11-12.10

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

## Materials

- Copies of or access to the article: [Black Exclusion Laws in Oregon](#) (Oregon Encyclopedia)
- Copies of the map: [State laws against Black migrants, pre-1861](#) (M. A. Schoepner), available at the end of this lesson.

## Activities

### Opening:

If time and technology allow, consider asking students a day before the lesson to come prepared with an example (verbally or a photo) of a border they noticed—any kind of border. If not, open the lesson by giving students a few minutes to brainstorm any borders they encounter in their lives. Examples might include town/city borders, doorways, marked construction zones, fences, etc. Guide a discussion using some of these prompts:

- ▶ What makes a border a border? How can you tell something is a border?
- ▶ What purpose do borders serve?
- ▶ How can you tell if it's okay to cross a border?
- ▶ Are there any borders that some people can cross and some cannot?
- ▶ Do you ever create a border in your own life? Why?

Focus the conversation on state and national borders. What are the similarities and differences? Students may want to share experiences crossing state or national borders to compare. Support students to arrive at the conclusion that within the United States, people can generally move freely between states, but that moving between countries requires documentation—passports, visas, etc.—and is not always possible or allowed.

Ask students, “*Are laws regulating immigration legislated at the federal level or the state level?*” If they are not sure, clarify with, “*Can each state determine for themselves who is allowed in?*” (No, immigration is legislated at the federal level. Aside from some nuance regarding refugee resettlement, individual states don't have a say in immigration, and anyone inside the country can move between states.)

Share with students that this may seem obvious—how would the country look if immigration was state-by-state?—but before Reconstruction, states had much more regulating power over their own borders. And although immigration was largely open during this time period, many state borders were restricted against the migration of free Black people within the United States.

Share with students the map: [State laws against Black migrants, pre-1861](#).

Many states passed restrictions against Black migration before Reconstruction. One of these was Oregon, a pioneer state still forming an identity, and students will be reading more about Oregon's Black exclusion laws during this lesson.

**(Continued on next page)**



## Activities (continued)

### Reading:

Share with students copies of or access to the article [Black Exclusion Laws in Oregon](#) from the Oregon Historical Society (there is a link to download a PDF on the website). Ask students to read the article independently, in pairs or small groups, or together as a whole class.

Questions for discussion or response:

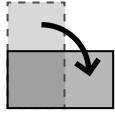
1. What reasons did voters in Oregon, a state that largely did not allow slavery, have for keeping free Black people out?
2. What might have been the benefits of a more diverse society, had Oregon opened its borders?
3. What effect are these (long since repealed) laws still having today?
4. What connections do you see between the Black exclusion laws and current debates over nationwide immigration policy?

After discussing the article and connections to present day, re-ground students in the history by reminding them that the passing of the 14th Amendment guaranteed citizenship and equal protection under the law to formerly enslaved Black people, setting the stage for shifting migration regulations from state to federal control, which was declared official by the Supreme Court in 1875. The Chinese Exclusion Act of 1882 was the first time the United States government officially began to restrict immigration nationwide, but as is clear, it was not the first time borders in the United States had been closed to a particular ethnic group.

### Closing:

Ask students to write (on paper, on the board, in the chat box) one “headline” from the lesson today. In a sentence or phrase, what should people know about the history covered by today’s lesson?

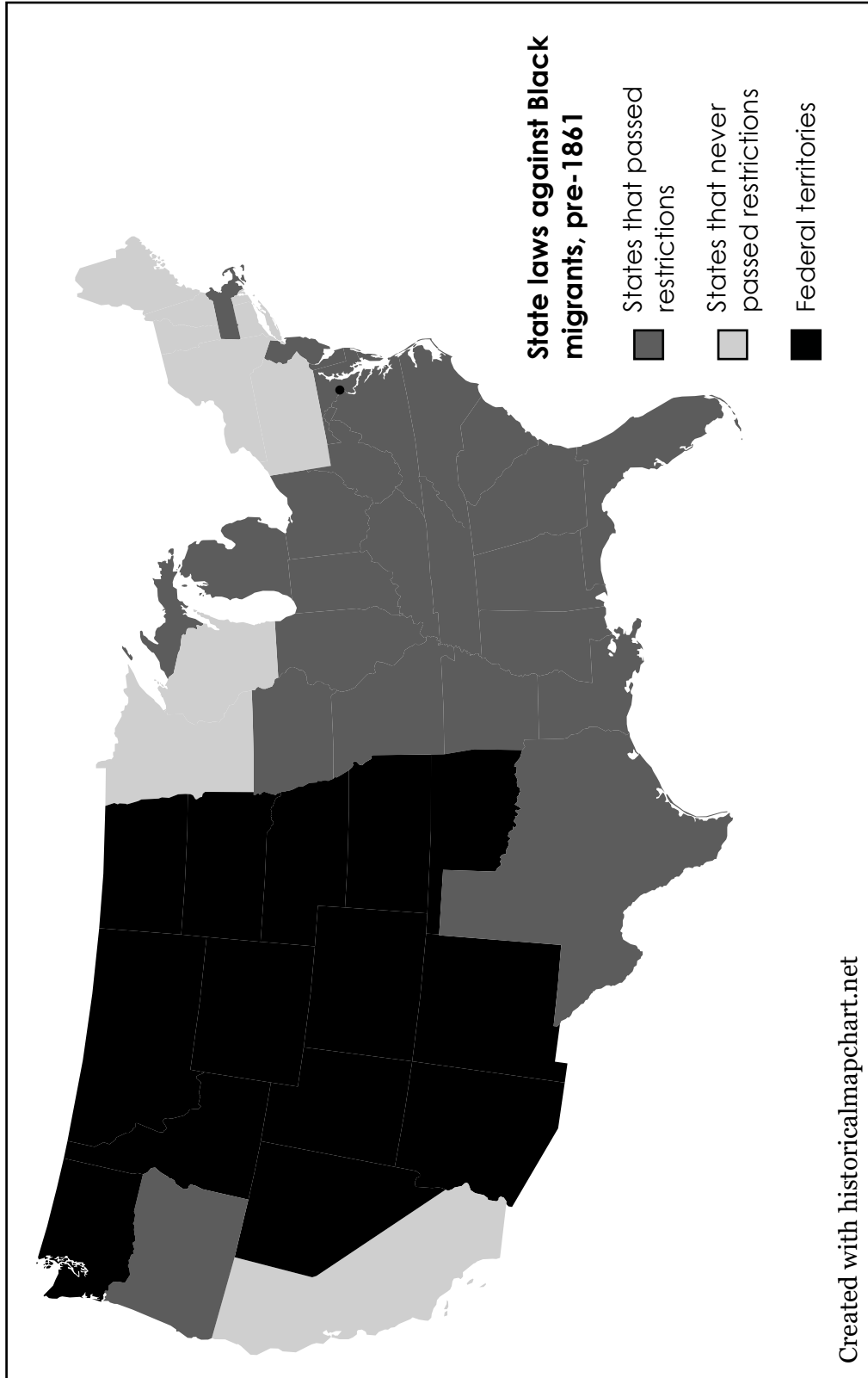
## Materials: Map for student viewing



**Rotate paper 90 degrees clockwise to view image properly.**

From "Black Migrants and Border Regulation in the Early United States" by M. A. Schoepner, 2022, *The Journal of the Civil War Era*, 11(3), p. 217-339

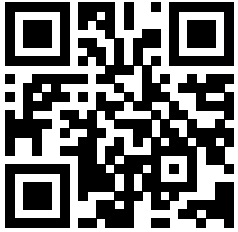
(<https://www.muse.jhu.edu/article/803640>). Reprinted with permission from the author.



# Handout

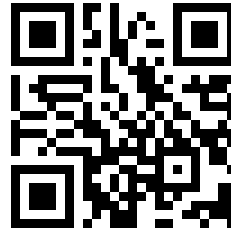
## Print-Friendly Guide to Resources

### Lesson One: Educator Notes (page 2)



The Do Now: A Primer

<https://bit.ly/3N4E7fY>

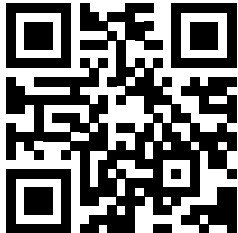


Jigsaw: Developing

Community and

Disseminating Knowledge

<https://bit.ly/3Tzpd44>



Immigration History Timeline

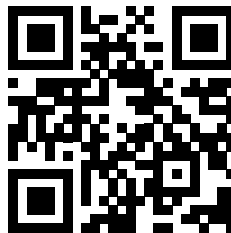
<https://bit.ly/3TE1lv6>

### Lesson One: Lesson Plan, Materials (pages 5 and 6)



Citizenship laws across  
the world

<https://bit.ly/3FwZ5Tl>



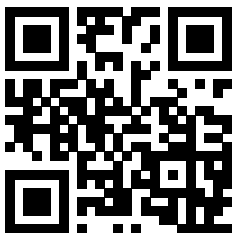
Inclusive citizenship laws

tend to foster economic

development

<https://bit.ly/3TRZSlw>

### Lesson One: Lesson Plan, Activities (page 7)



Teaching Chinese Immigration

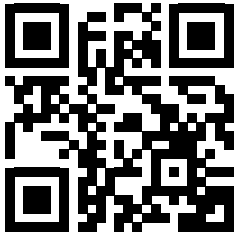
in the 19th Century: Lesson

Plans and Resources

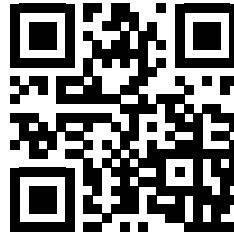
<https://bit.ly/38R2pKl>

(continued on next page)

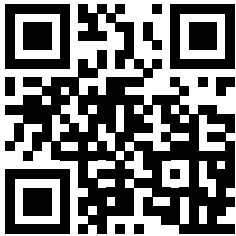
## Lesson One: Extension (pages 9 and 10)



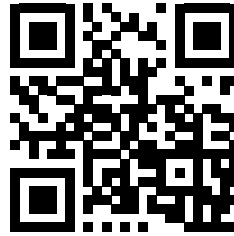
C-SPAN's Landmark Cases:  
Dred Scott v. Sandford (1857)  
<https://bit.ly/3Fx2pxN>



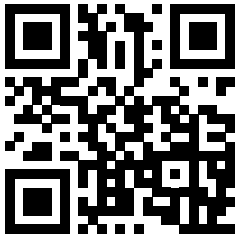
Dred Scott v. Sandford (1857),  
60 U.S. 393  
<https://bit.ly/3FfDI8z>



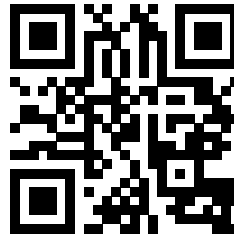
Dred Scott v. Sandford (1857)  
<https://bit.ly/3Fd9Bij>



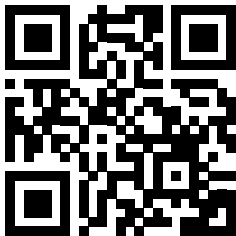
Landmark Supreme Court  
Case: Dred Scott v. Sandford  
<https://bit.ly/3FfRYy8>



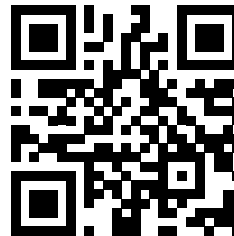
Wong Kim Ark, the 14th  
Amendment and Birthright  
citizenship in the U.S.  
<https://bit.ly/3NcFidt>



United States v. Wong Kim  
Ark . 169 U.S. 649 (1898)  
<https://bit.ly/3D1KjRs>

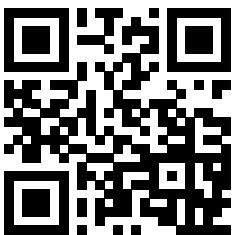


United States v. Wong Kim Ark  
(1898)  
<https://bit.ly/3eZ9l6w>



Immigration and Birthright  
Citizenship: Wong Kim Ark  
and the 14th Amendment  
<https://bit.ly/3FceeJv>

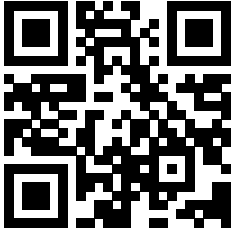
## Lesson Two: Educator Notes (page 19)



Everyday Borders  
<https://bit.ly/3za4BqP>

(continued on next page)

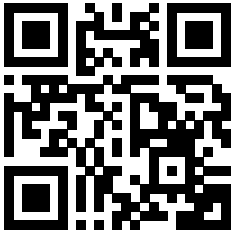
## Lesson Two: Lesson Plan, Materials, Activities (pages 20 - 23)



Oregon Encyclopedia: Black  
Exclusion Laws in Oregon

<https://bit.ly/3zblxNx>

## Lesson Two: Materials, Map for Student Viewing (page 24)



“Black Migrants and Border  
Regulation in the Early United  
States” by M. A. Schoeppner

<https://bit.ly/3FedmUA>

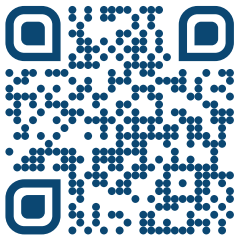


# The Immigrant Learning Center

## About The Immigrant Learning Center

The Immigrant Learning Center, Inc. (The ILC) of Malden, MA, is a not-for-profit organization that gives immigrants a voice in three ways. The English Language Program provides free, year-round English classes to help immigrant and refugee adults in Greater Boston become successful workers, parents and community members. The Public Education Institute informs Americans about immigrants and immigration in the United States, and the Institute for Immigration Research, a joint venture with George Mason University, conducts research on the economic contributions of immigrants. For more information, visit the website <http://www.ilctr.org>.

## Stay Informed



Sign up for our newsletter for more resources like this  
(<https://qr.go.page.link/cuNNz>)



Sign up to receive information about the next educator webinar  
(<https://qr.go.page.link/CSu7f>)

