

# The Fourteenth Amendment's effects on Citizenship under the Constitution of the United States and under the Law of Nations

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Before the adoption of the Fourteenth Amendment to the Constitution of the United States, one was considered a citizen of a State **as well as** a citizen of the United States.

“ . . . [I]n examining the form of our government, it might be correctly said that there is no such thing as a citizen of the United States. But constant usage – arising from convenience, and perhaps necessity, and dating from the formation of the Confederacy – has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions. “ Ex parte Frank Knowles: 5 Cal. 300, at 302 (1885)

<http://books.google.com/books?id=0p4WAQAAIAAJ&pg=PA302#v=onepage&q=&f=false>

As a citizen of a State, one was entitled to, under Article IV, Section 2, Clause 1 of the Constitution, to “all privileges and immunities of citizens in the several States.” As a citizen of the United States, one was recognized as such by other countries, under the Law of Nations:

**[Footnote 1]**

**REPORTS OF CASES RULED AND ADJUDGED (IN THE SUPREME COURT OF THE UNITED STATES)**

<http://books.google.com/books?id=DLsGAAAAYAAJ&pg=PA133#v=onepage&q=&f=false>

to read case in New English:

<http://supreme.justia.com/us/3/133/case.html>

After the adoption of the Fourteenth Amendment to the Constitution of the United States one was considered a citizen of a State **or** a citizen of the United States. This was decided by the Supreme Court, in the *Slaughterhouse Cases*. The court held citizenship of a State to be separate and distinct from citizenship of the United States. In addition, the court held that the Fourteenth Amendment created a second citizenship, citizenship of the several States. This was later reaffirmed in *Cole v. Cunningham*:

“The intention of section 2, Article IV (of the Constitution), was to confer on the **citizens of the several States** a general citizenship.” Cole v. Cunningham: 133 U.S. 107, at 113 thru 114 (1890).

A citizen of a State, before the Fourteenth Amendment, was now, after the Fourteenth Amendment, a citizen of a State and a citizen of the several States. This was done by the Supreme Court, in the *Slaughterhouse Cases*, so that a citizen of a State, who was recognized under the Law of Nations before the adoption of the Fourteenth Amendment, as a citizen of the United States, would now be recognized as a citizen of the several States, after the adoption of the Fourteenth Amendment. [\[Footnote 4\]](#)

The Fourteenth Amendment created in addition to citizenship of United States [\[Footnote 5\]](#), privileges and immunities of citizenship of the United States. [\[Footnote 5\]](#)

Before the adoption of the Fourteenth Amendment, privileges and immunities recognized under the Constitution were those of “citizens in the several States” (Article IV Section 2 Clause 1). After the adoption of the Fourteenth Amendment, the Supreme Court, in the *Slaughterhouse Cases*, decided that privileges and immunities of a citizen of a State were separate and distinct from privileges and immunities of a citizen of the United States. In addition, the court held that the Fourteenth Amendment created a second set of privileges and immunities, privileges and immunities of citizenship of the several States. This was later reaffirmed in *Hodges v. United States*:

“In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the privileges and immunities of **citizens of the several States**, this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380.” *Hodges v. United States*: 203 U.S. 1, at 15 (1906).

A citizen of a State, before the Fourteenth Amendment, was entitled under Article IV, Section 2, Clause 1 of the Constitution to “all privileges and immunities of citizens **in** the several States.” After the Fourteenth Amendment, a citizen of a State had privileges and immunities of the State in which he was domiciled and was entitled under Article IV, Section 2, Clause 1 of the Constitution to “all privileges and immunities of citizens **of** the several States.” [\[Footnote 6\]](#).

So now there is a citizen of the United States government and a citizen of the several States governments. One can be a citizen of one but not the other. Both are now recognized in the Constitution of the United States (of America). Both are to be recognized in the Law of Nations.

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## Footnotes:

[\[1\]](#) Before the adoption of the Constitution of the United States, the several States, then called different States, were each a sovereign onto itself. When the Constitution of the United States was adopted, the several States, now called individual States, surrendered a part of their sovereignty to the Congress of the United States. [\[Footnote 2\]](#) Because of this transferred of power, the several States were no longer a sovereignty onto themselves (though each still

retained sovereign powers; for example, the power to declare who are its citizens), but members of a Union, which made them each a state but not a nation under the Law of Nations. [Footnote 3] One, because of this transfer of power, became a citizen of a State, under the Constitution of the United States, and a citizen of the United States, under the Law of Nations.

[2] In *Pennoyer v. Neff* (95 U.S. 714, at 722 [1878]), it states:

“The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States.” *Overruled, on other grounds.*

<http://books.google.com/books?id=z78GAAAAAYAAJ&pg=RA5-PA722#v=onepage&q=&f=false>

[3] From *Vattel: The Law of Nations: Book 1*:

“§ 4. What are sovereign states.

Every nation that governs itself, under what form soever, without dependence on any foreign power, is a *Sovereign State*. Its rights are naturally the same as those of any other state. Such are the moral persons who live together in a natural society, subject to the law of nations. To give a nation a right to make an immediate figure in this grand society, it is sufficient that it be really *sovereign and independent*, that is, that it govern itself by its own authority and laws.”

<http://books.google.com/books?id=NukJAAAAIAAJ&pg=PA2#v=onepage&q=&f=false>

[4] It is to be noted that a citizen of the United States, after the adoption of the Fourteenth Amendment, is still recognized under the Law of Nations as a citizen of the United States. However, since the Fourteenth Amendment, a citizen of the United States is not a citizen of a State. A citizen of the United States can become also a citizen of a State, under Section 1 of the Fourteenth Amendment, by residing in a State; that is, a citizen of the United States and a citizen of a State:

“The Fourteenth Amendment declares that citizens of the United States are citizens of the state within they reside; therefore the plaintiff was at the time of making her application, a citizen of the United States and a citizen of the State of Illinois.” *Bradwell v. the State of Illinois*: 83 U.S. 130, at 138 (1873).

Therefore, since the Fourteenth Amendment, there are two state citizens, a citizen of the United States and a citizen of the several States.

[5] The Fourteenth Amendment created citizenship of the United States in Section 1, Clause 1:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.”

The Fourteenth Amendment created privileges and immunities of citizenship of the United States in Section 1, Clause 2:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

[6] It is to be noted that when a citizen of the United States resides in a State, the citizen of the United States acquires, in addition to privileges and immunities of citizenship of the United States, privileges and immunities of the State. The citizen of the United States then has privileges and immunities of citizenship of the United States and privileges and immunities of citizenship of a State.

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