Get It Right:

Article IV, Section 2, Clause 1 is a Citizen Clause

The Supreme Court of the United States, on June 28, 2010, in the case of *McDonald v. City of Chicago* (No. 08-1521), issued its opinion. The slip opinion can be found at

(Slip Opinion: http://www.supremecourt.gov/opinions/09pdf/08-1521.pdf)

You may have to reload or refresh your browser for this link.

What one may not realized is that the Supreme Court did not address Petitioners' Brief, at page 44; where it states:

> "*SlaughterHouse* first observed that while individuals held both federal and state citizenship, the Clause at issue protects only privileges and immunities of national citizenship. SlaughterHouse, 83 U.S. at 74. It then purported to quote Article IV as securing 'the privileges and immunities of ***citizens of the several States***.' Id., at 75.

The Supreme Court did not answered why Justice Miller quoted Article IV, Section 2, Clause 1 of the Constitution of the United States (of America), on page 75 of the *Slaughterhouse Cases,* as "the privileges and immunities of citizens **OF** the several States" rather than "the privileges and immunities of citizens **IN** the several States." **[Footnote 1]** What they did do was this:

(slip opinion, page 6)

> "Four years after the adoption of the Fourteenth Amendment, this Court was asked to interpret the Amendment's reference to 'the privileges or immunities of citizens of the United States.' The *Slaughter-House Cases, supra*, involved challenges to a Louisiana law permitting the creation of a state-sanctioned monopoly on the butchering of animals within the city of New Orleans. Justice Samuel Miller's opinion for the Court concluded that the Privileges or Immunities Clause protects only those rights 'which owe their existence to the Federal government, its National character, its Constitution, or its laws.' *Id*., at 79. The Court held that other fundamental rights—rights that predated the creation of the Federal Government and that 'the State governments were created to establish and secure'—were not protected by the Clause. *Id.*, at 76.

In **DRAWING A SHARP DISTINCTION** between the rights of federal and state citizenship, the Court relied on two principal arguments. First, the Court emphasized that the Fourteenth Amendment's Privileges or Immunities Clause spoke of 'the privileges or immunities of *citizens of the United States*,' and the Court contrasted this phrasing with the wording in the first sentence of the Fourteenth and in the Privileges and Immunities Clause of Article IV, both of which refer to *state* citizenship. (5)"

Note 5: The first sentence of the Fourteenth Amendment makes '[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof . . . citizens of the United States *and of the State wherein they reside*.' (Emphasis added.) The Privileges and Immunities Clause of Article IV provides that '[t]he Citizens of each State shall be entitled to all Privileges and Immunities of *Citizens in the several States*." (Emphasis added.)

It appears the source the Court used for this part of their opinion was "The Privileges and Immunities of State Citizenship," by Roger Howell (1917). At pages 26 thru 27 it states:

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"Another question relating to the ***privileges and immunities of citizens of the several States*** which caused much interest at one time was with regard to the effect of the Fourteenth Amendment. A wide difference of opinion prevailed in this connection. The exact meaning of the privileges and immunities of citizens of the United States secured by the amendment was unsettled, in the minds both of members of Congress and of the judiciary. Thus Senator Poland thought that the amendment secured 'nothing beyond what was intended by the original provision in the Constitution that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' There was a well-defined opinion among the judiciary also that the privileges and immunities protected by the Fourteenth Amendment were the same 'fundamental' rights inherent in citizenship as had been outlined by Judge Washington in *Corfield v. Coryell*. This was the view taken in one of the earliest attempts to define the privileges and immunities of citizens of the United States which the States were forbidden to abridge. This was in the case of *United States v. Hall*, in which it was said: "What are the privileges and immunities of citizens of the United States here referred to? They are undoubtedly those which may be denominated fundamental; which have at all times been enjoyed by the citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign.'

> This view was repudiated by the Supreme Court in the *Slaughterhouse Cases*. Here Mr. Justice Miller, delivering the opinion of the Court, **DREW A SHARP DISTINCTION** between citizenship in the United States and citizenship in a State. 'It is quite clear,' he says, 'that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual'; and he goes on to point out that the argument of the plaintiffs in the case rested wholly upon the assumption that the citizenship was the same, and that the privileges and immunities to be enjoyed were the same. The description of the privileges and immunities of state citizenship given in *Corfield v. Coryell* is quoted with approval, as embracing those civil rights for the establishment and protection of which organized government is instituted, and which the state governments were created to establish and secure; no additional security of national protection was given them by the Fourteenth Amendment. While clinging somewhat to the idea of fundamental rights, Justice Miller says specifically that the sole purpose of the Comity Clause was 'to declare to the several States that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify, or impose restrictions on their exercise, the same neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.' The case firmly established the rule that, in consequence of the duality of citizenship in this country, there exists in correspondence to each class of citizenship a separate class of privileges and immunities, both protected against states violation, but entirely distinct in their character."

So the *MacDonald Court*, relying on this source, concludes that there is, since the Fourteenth Amendment, two citizenships: citizenship of the United States and citizenship of a State. And that each has its own privileges and immunities; that is, there are privileges and immunities of citizenship of the United States as well as privileges and immunities of a State. And that citizenship of the United States is separate and distinct from citizenship of a State.

What the *MacDonald Court* failed to recognized is that since the Fourteenth Amendment, there are two citizens also, a citizen of the United States and a citizen of a State:

> "The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74.

In addition, in the companion case, *Bradwell v. State of Illinois*, there is the following:

"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.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But the plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment." Bradwell v. the State of Illinois: 83 U.S. 130, at 138 (1873).

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Also, there is the following decided after the *Slaughterhouse Cases*:

"The act was considered in *Johnson v. United States*, 160 U.S. 546, and we there held that a person who was not a citizen of the United States at the time of an alleged appropriation of his property by a tribe of Indians was not entitled to maintain an action in the Court of Claims under the act in question. There was not in that case, however, any assertion that the claimant was a citizen of a State as distinguished from a citizen of the United States. . . . [U]ndoubtedly in a purely technical and abstract sense citizenship of one of the States may not include citizenship of the United States . . . Unquestionably, in the general and common acceptation, a citizen of the State is considered as synonymous with citizen of the United States, and the one is therefore treated as expressive of the other. This flows from the fact that the one is normally and usually the other, and where such is not the case, it is purely exceptional and uncommon." United States v. Northwestern Express, Stage & Transportation Company: 164 U.S. 686, 688 (1897).

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"As applied to a citizen of another State, or to a citizen of the United States residing in another State, a state law forbidding sale of convict made goods does not violate the privileges and immunities clauses of Art. IV, Sec. 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the State that enacted it." *Syllabus,* Whitfield v. State of Ohio: 297 U.S. 431 (1936)

"The court below proceeded upon the assumption that petitioner was a citizen of the United States; and his status in that regard is not questioned. The effect of the privileges and immunities clause of the Fourteenth

Amendment, as applied to the facts of the present case, is to deny the power of Ohio to impose restraints upon citizens of the United States resident in Alabama in respect of the disposition of goods within Ohio, if like restraints are not imposed upon citizens resident in Ohio.

The effect of the similar clause found in the Fourth Article of the Constitution (section 2), as applied to these facts, would be the same, since that clause is directed against discrimination by a state in favor of its own citizens and against the citizens of other states. *Slaughterhouse Cases* (Live-Stock Dealers' & Butchers' Ass'n v. Crescent City Live-Stock Landing & Slaughter-House Co.), Fed.Cas. No. 8,408, 1 Woods 21, 28; *Bradwell v. State of Illinois*, 16 Wall. 130, 138." *Opinion*, Whitfield v. State of Ohio: 297 U.S. 431, 437 (1936).

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". . . As in case of the authority of the United States over its absent citizens (*Blackmer v. United States*, 284 U.S. 421), the authority of a State over one of its citizens is not terminated by the mere fact of his absence from the state." Milliken v. Meyer: 311 U.S. 457, at 463 (1940).

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"If the United States may control the conduct of its citizens upon the high seas, we see no reason why the State of Florida may not likewise govern the conduct of its citizens upon the high seas with respect to matters in which the State has a legitimate interest and where there is no conflict with acts of Congress. . . . .

. . . When its action does not conflict with federal legislation, the sovereign authority of the State over the conduct of its citizens upon the high seas is analogous to the sovereign authority of the United States over its citizens in like circumstances." Skiriotes v. State of Florida: 313 U.S. 69, at 77, 78 thru 79 (1941). **[Footnote 2]**

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In addition, the *MacDonald Court* failed to recognized that since the adoption of the Fourteenth Amendment there are now two separate and distinct citizens under the Constitution of the United States of America (and not the Fourteenth Amendment); a citizen of the United States and a citizen of the several States.

In the *Slaughterhouse Cases*, the Supreme Court dealt with two clauses of the Fourteenth

Amendment; Section 1, Clause 1 and Section 1, Clause 2. Citizenship of the United States and citizenship of a State were treated in Section 1, Clause 1 of the Fourteenth Amendment. Citizenship of the United States and citizenship of the several States were covered in Section 1, Clause 2 of the Fourteenth Amendment:

> "... [T]o establish a clear and comprehensive definition of citizenship which should declare what should constitute **citizenship of the United States** and also **citizenship of a State**, the *first clause of the first section* was framed. ...
>
> The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State ...
>
> The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between **citizenship of the United States** and **citizenship of a State** is clearly recognized and established. ...
>
> It is quite clear, then, that there is a **citizenship of the United States**, and a **citizenship of a State**, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.
>
> We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section (second clause of the first section), which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those (privileges and immunities) of citizens of the several States. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same." Slaughterhouse Cases: 83 U.S. 36, 72-74.

Moreover, it was decided that citizenship of the United States and citizenship of a state were now separate and distinct. Privileges and immunities of a citizen of a state were to be found in the constitution and laws of the individual state. **[Footnote 3]** Privileges and immunities of a citizen of the United States were to be located at Section 1, Clause 2 of the Fourteenth Amendment.

Also, the *Slaughterhouse* court concluded that there were now two separate and distinct citizens under the Constitution of the United States (and not the Fourteenth Amendment); a citizen of the United States and a citizen of the several States.

To wit:

> "We do not conceal from ourselves the great responsibility which this duty devolves upon us. No questions so far reaching and pervading in their consequences, so profoundly interesting to the people of this country, and so

important in their bearing upon the relations of the United States and of the several States to each other, and to **the citizens of the states and of the United States**, have been before this court during the official life of any of its present members. We have given every opportunity for a full hearing at the bar; we have discussed it freely and compared views among ourselves; we have taken ample time for careful deliberation, and we now propose to announce the judgments which we have formed in the construction of those articles, so far as we have found them necessary to the decision of the cases before us, and beyond that we have neither the inclination nor the right to go." Slaughterhouse Cases: 83 U.S. 36, at 67 (1873).

And:

"The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a state is clearly recognized and established. . . .

It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a state, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this Amendment of great weight in this argument, because the next paragraph of this same section (second clause of the first section), which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of **citizens of the United States,** and does not speak of those (privileges and immunities) of **citizens of the several states**. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same." Slaughterhouse Cases: 83 U.S. 36, 73-74.

Also:

"Fortunately we are not without judicial construction of this clause of the Constitution (that is, Article IV, Section 2, Clause 1). The first and the leading case on the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the circuit court for the district of Pennsylvania in 1823. 4 Wash C. C. 371.

> 'The inquiry,' he says, 'is, what are the privileges and immunities of **citizens of the several States**? . . .'

This definition of the privileges and immunities of **citizens of the states** is adopted in the main by this court in the recent case of *Ward v. Maryland*. . . .

Having shown that the privileges and immunities relied on in the argument are those which belong to **citizens of the states** as such, and that they are left to the state governments for security and protection, and not by this article placed under the special care of the Federal government, we may hold ourselves excused from

> defining the privileges and immunities of **citizens of the United States** which no state can abridge, until some case involving those privileges may make it necessary to do so." Slaughterhouse Cases: 83 U.S. 36, 75-76, 78-79.

It is to be observed that the terms "citizens of the states" and "citizens of the several states" are used interchangeably by the *Slaughterhouse* court. And they are employed in contradistinction to the term "citizens of the United States."

Citizenship of the United States is located at Section 1, Clause 1 of the Fourteenth Amendment. Citizenship of the several States is designated at Article IV, Section 2, Clause 1 of the Constitution of the United States of America:

> "The intention of section 2, Article IV (of the Constitution), was to confer on the **citizens of the several States a general citizenship**, and to communicate all the privileges and immunities which the citizen of the same State would be entitled to under like circumstances." Cole v. Cunningham: 133 U.S. 107, 113-114 (1890). **[Footnote 4]**

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Privileges and immunities of a citizen of the United States are to be found at Section 1, Clause 2 of the Fourteenth Amendment. Privileges and immunities of a citizen of the several States are designated at Article IV, Section 2, Clause 1 of the Constitution of the United States of America:

> Privileges and immunities of a citizen of the several States are those described in *Corfield v. Coryell* decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823:
>
> > "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).

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> The location for these privileges and immunities is Article IV, Section 2, Clause 1 of the Constitution:
>
> > "Fortunately we are not without judicial construction of this clause of the Constitution (Article IV, Section 2, Clause 1). The first and leading case of the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

> 'The inquiry,' he says 'is, what are the privileges and immunities of citizens of the several States? . . .
>
> This definition of the privileges and immunities of citizens of the States is adopted in the main by this court in the recent case of *Ward v. The State of Maryland*." Slaughterhouse Cases: 83 (16 Wall.) 36, at 75 thru 76 (1873). **[Footnote 5]**

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The reason Justice Miller used "the privileges and immunities of citizens OF the several States" is that since the adoption of the Fourteenth Amendment there are now three sets of privileges and immunities in the country of the United States. They are: privileges and immunities of a citizen of the United States, privileges and immunities of a citizen of a State, and privileges and immunities of a citizen of the several States.

At page 74 of the *Slaughterhouse Cases*, you will find the following:

> ". . . Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it . . . .
>
> It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. . . . .
>
> Of the ***privileges and immunities of the citizen of the United States***, and of the ***privileges and immunities of the citizen of the State***, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (first section, second clause) under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the (Fourteenth) amendment. . . . ." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873).

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And:

> "We think this distinction and its explicit recognition in this [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section (first section, second clause), which is the one

mainly relied on by the plaintiffs in error, speaks only of ***privileges and immunities of citizens of the United States***, and does not speak of those (***privileges and immunities) of citizens of the several states***. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same. . . .

Fortunately we are not without judicial construction of this clause of the Constitution (Article IV, Section 2, Clause 1). The first and leading case of the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

> 'The inquiry,' he says 'is, what are the privileges and immunities of citizens of the several states? . . .

This definition of the privileges and immunities of citizens of the states is adopted in the main by this court in the recent case of *Ward v. The State of Maryland*." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74, 76 (1873).

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As stated earlier, privileges and immunities of a citizen of the United States are located at Section 1, Clause 2 of the Fourteenth Amendment; privileges and immunities of a citizen of a State are located in the constitution and laws of an individual State, *McKane v. Durston*, supra; privileges and immunities of a citizen of the several States are designated at Article IV, Section 2, Clause 1 of the Constitution of the United States of America, *Hodges v. United States*, supra and *Slaughterhouse Cases* (83 (16 Wall.) 36, at 75 thru 76).

So Article IV, Section 2, Clause 1 of the Constitution of the United States, since the adoption of the Fourteenth Amendment, has nothing to do with State citizenship. It has to do with citizenship of the several States, that is, citizenship of all the States, generally. That is, it is a citizen clause! **[Footnote 6]**

Footnotes:

1. It appears Petitioners were not aware of Justice Miller's changing the wording in Justice

Washington's opinion in *Corfield v. Coryell*. At pages 75 through 76 of the *Slaughterhouse Cases*, it states:

> "Fortunately we are not with judicial construction of this clause of the Constitution. The first and the leading case of the subject is that of *Corfield v. Coryell,* decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania is 1823.
>
> 'The inquiry,' he says, 'is, what are the privileges and immunities of citizens OF the several States?'

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Notice that it does not state:

> 'The inquiry,' he says, 'is, what are the privileges and immunities of citizens IN the several States?"

The *McDonald* Court is apparently unaware of this also.

Taking the change of wording in Article IV, Section 2, Clause 1 of the Constitution of the United States of America with the change of wording in the opinion of *Corfield v. Coryell*, and add to this the fact that *Corfield v. Coryell* is the leading case on Article IV, Section 2, Clause 1 of the Constitution, one is led to the conclusion, without having read other cases on this issue, that Article IV, Section 2, Clause 1 of the Constitution of the United States was modified by the adoption of the Fourteenth Amendment. Just like Article III, Section 2, Clause 6 of the Constitution of the United States of America ("between a State and Citizens of another State.)" was modified by the Eleventh Amendment.

2. That there are two citizens; that is, a citizen of the United States as well as a citizen of a State, since the adoption of the Fourteenth Amendment, is because the United States government and an individual state government are still separate and distinct sovereignties, since the adoption of the Fourteenth Amendment.

Congress (or the United States government) under the Constitution of the United States (of America) is one of enumerated powers. A State of the Union is not the same as the District of Columbia, or the territories and possessions of the United States government:

> "Special provision is made in the constitution, for the cession of jurisdiction from the states over places where the federal government shall establish forts, or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a ***general jurisdiction***." New Orleans v. United States: 35 U.S. 662, at 737 (1836).

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And:

"The general government, and the States, although both exist within the same territorial limits, ***are separate and distinct sovereignties***, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the general government as that government within its sphere is independent of the States." Collector v. Day: 78 U.S. (Wall. 11) 113, at 124 (1870).

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Did the Fourteenth Amendment changed this? No:

"Notwithstanding the adoption of these three Amendments (the Thirteenth, Fourteenth, and Fifteenth Amendments), the National Government still remains one of enumerated powers, and the Tenth Amendment, which reads, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,' is not shorn of its vitality." Hodges v. United States: 203 U.S. 1, at 16 (1906).

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So:

"Upon the admission of a State into the Union, the State doubtless acquires ***general jurisdiction***, civil and criminal, for the preservation of public order, and the protection of persons and property, throughout its limits, except where it has ceded ***exclusive jurisdiction*** to the United States. *New Orleans v. United States*, 35 U.S. (10 Pet.) 662, 737; 9 L.Ed. 573, 602 (other citations ommited)" Van Brocklin v. State of Tennessee: 117 U.S. 151, 167-168 (1886).

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And:

"We conclude, however, that no such hearing is required in this case. We are of the view that the 'equal footing' clause of the Joint Resolution admitting Texas to the Union disposes of the present phase of the controversy.

The 'equal footing' clause has long been held to refer to political rights and to sovereignty. See *Stearns v. Minnesota*, 179 U. S. 223, 245. It does not, of course, include economic stature or standing. There has never been equality among the States in that sense. Some States, when they entered the Union, had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns v. Minnesota*, supra, pp. 179 U. S. 243-245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities, but to create parity as respects political standing and ***sovereignty***." United States v. State of Texas: 339 U.S. 707, at 715 thru

716 (1950).

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Also:

> "If the United States may control the conduct of its citizens upon the high seas, we see no reason why the State of Florida may not likewise govern the conduct of its citizens upon the high seas with respect to matters in which the State has a legitimate interest and where there is no conflict with acts of Congress. Save for the powers committed by the Constitution to the Union, ***the State of Florida has retained the status of a sovereign***. Florida was admitted to the Union 'on equal footing with the original States, in all respects whatsoever.' And the power given to Congress by §3 of Article IV of the Constitution to admit new States relates only to such States as are equal to each other 'in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself." Skiriotes v. State of Florida: 313 U.S. 69, at 77 (1941).

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To this:

> " . . . [W]hen a new State is admitted into the Union, it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States." Coyle v. State of Oklahoma: 221 U.S. 559, at 573 (1911).

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As such, the United States government and an individual State government would now have its own citizens, since the adoption of the Fourteenth Amendment:

> "We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, ***and each has citizens of its own who owe it allegiance***, and whose rights, within its jurisdiction, it must protect." Cruishank v. United States: 92 U.S. 542, at 549 (1875).

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The only way a citizen of the United States could become a citizen of a State also, in the several States, is through an amendment to the Constitution of the United States of America. Otherwise, each State of the Union would have to provide for such in its laws or constitutions. Which could mean (up to) 50 different statutes or provisions in their constitutions:

"Consequently, one who is created a citizen of the United States, is certainly not made a citizen of any particular State. It follows, that as it is only the citizens of the State who are entitled to all privileges and immunities of citizens of the several States, . . . , then a distinction both in name and privileges is made to exist between citizens of the United States, ex vi termini, and citizens of the respective (several) States." Ex parte Frank Knowles: 5 Cal. 300, at 304 (1855).

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(Note: This case was decided before the adoption of the Fourteenth Amendment (1868) and the *Slaughterhouse Cases* (1873).

The court, in this part of its opinion, deals with the concept of the uniform rule regarding the naturalization of foreigners by the several States. In essence, the court concludes that unless there is a uniform rule prescribed by Congress for the several States for naturalizing foreigners, then those who are naturalized would only be a citizen of the United States and not a citizen of a State; whereas if there was a uniform rule then foreigners naturalized would be a citizen of the United States as well as a citizen of a State.

If there is no uniform rule prescribed by Congress for the several States for naturalizing foreigners, then one who is naturalized under this condition cannot be a citizen of a State. So in this situation, one would be a citizen of the United States (and not a citizen of a State) and one would be a citizen of a State. This is, in substance, the holding in the *Slaughterhouse Cases*, that because of the Fourteenth Amendment, citizenship of the United States and citizenship of a State were now to be considered separate and distinct. That being a citizen of the United States was separate and distinct from a citizen of a State. The only difference between these two cases is that the Fourteenth Amendment, makes a citizen of the United States a citizen of a State, also; that is, a citizen of the United States AND a citizen of a State, by residing in a State.)

Without an amendment to the Constitution of the United States (of America) or a statute or provision in the constitution of each individual State, a citizen of the United States would be an alien in a State of the Union.

Thus because of the Fourteenth Amendment, a citizen of the United States can become also a citizen of a State, by residing in a State of the Union. As such a citizen of the United States would be a citizen of the United States AND a citizen of a State, owing allegiance to both the United States government AND the individual State government:

" . . . The same person may be at the same time a citizen of the United States AND a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. . . . .

"The [citizens] of the United States resident within any State are subject to two governments: one State, and the other National. . . . ***It is the natural consequence of [such] citizenship which owes allegiance to two sovereignties and claims protection from both***. The citizen (of the United States) cannot complain, because

he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction." Cruishank v. United States: 92 U.S. 542, at 549, 550 thru 551 (1875).

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3. ". . . Whatever may be the scope of section 2 of article IV -- and we need not, in this case enter upon a consideration of the general question -- the Constitution of the United States does not make the privileges and immunities enjoyed by the citizens of one State under the constitution and laws of that State, the measure of the privileges and immunities to be enjoyed, as of right, by a citizen of another State under its constitution and laws." McKane v. Durston: 153 U.S. 684, at 687 (1894).

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"The provision that no State shall abridge the (privileges or) immunities of citizens of the United States does not refer to citizens of the States. (2) It embraces only citizens of the United States. It leaves out the words 'citizens of the State' which are so carefully used, and used in contradistinction to 'citizens of the United States,' in the preceding sentence. It places the privileges and immunities of citizens of the United States under the protection of the Federal Constitution, and leaves the privileges and immunities of a citizen of a State under the protection of the State Constitution. (3)"

(Source: "Justice and Jurisprudence: An inquiry concerning the Constitutional Limitations of the Thirteenth, Fourteenth, and Fifteenth Amendment;" Brotherhood of Liberty; Philadelphia: J. B. Lippincott Company; 1889, Page 541.)

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(2) *Cory v. Carter*, 48 Ind. 327, at 349.

(3) *Cory v. Carter*, 48 Ind. 327, at 350.

http://books.google.com/books?id=JmoLAAAAYAAJ&pg=PA349#v=onepage&q&f=false

"In America there are two citizenships, distinct from each other, and depending upon different characteristics and circumstances, and the essential difference is caused by a difference of jurisdiction. In strict conformity to this distinct, the Constitution prohibits a State from making or enforcing 'any law which shall abridge the *privileges or immunities of* ***citizens of the United States***.' (1) The limitation is not as to laws affecting the *privileges and immunities of* ***citizens of the several States***, equality of citizens of States is secured by another provision. (2)

The *privileges and immunities of the* ***citizen of one State*** removing to another State are the same, no more, no less, than the *privileges and immunities of the* ***citizens of the State*** into which he or she removed. (3) The privileges and immunities of citizens of the several States rest for security and protection with the States themselves,--where they rested before the Constitution was made. These privileges and immunities are not placed under the care of the United States except so far as the Constitution declares that, 'The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' These privileges and immunities of citizens of the several States are fundamental., (4) and are commonly set forth in Bills of Rights found in the State constitutions."

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(1) Amendment XIV.

(2) Article iv, sec 2, c. 1

(3) See p. 150.

(4) *Corfield v. Coryell*, 4 Washington, C. C. 371, 380; *Paul v. Virginia*, 8 Wallace, 180 and see pp. 191-211 of the present volume.

(Source: "The Essentials of American Constitutional Law;" Francis Newton Thorpe, Ph.D. LL.D. of the Pennsylvania Bar; New York: G.P. Putnam's Sons. The Knickerbocker Press; 1917, Page 212 thru 214.)

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4. "**Th(is) clause established a general citizenship among the citizens of the several States.**-- In *Cole v. Cunningham*, (fn 59) the court said:

'The intention of section 2, Article IV (of the Constitution), was to confer on the ***citizens of the several States*** a general citizenship, and to communicate all the privileges and immunities which the citizen of the same State would be entitled to under like circumstances.'

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59. 133 U.S. 107, 113-114."

(Source: "The Constitution of the United States, Its History and Construction, Volume II;" David Kemper Watson, LL.B., LL.D., of the Columbus, Ohio, Bar; Chicago: Callaghan & Company; 1910; Chapter XLV, Page 1218.)

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And,

"§256. Same — Intention of the constitutional provision. — The intention of the first clause of the second section of the fourth article of the constitution was to confer on the ***citizens of the several states*** a general citizenship, and to communicate all the privileges and immunities which the citizens of the same state would be entitled to under the like circumstances. (fn 68)

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68. *Cole v. Cunningham,* 133 U. S. 107, 113-114 (33:538)."

(Source: "Federal Procedure at Law; A Treatise on the Procedure in Suits at Common Law in the Circuit Courts of the United States;" C.L. Bates, of the Bar of San Antonio, Texas; Chicago: T.H. Flood and Company; 1908; Page 229.)

http://books.google.com/books?id=EOY9AAAAIAAJ&pg=PA229#v=onepage&q&f=false

5. "In speaking of the meaning of the phrase '**privileges and immunities of citizens of the several States,**' under section second, article fourth, of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham,* 133 U.S. 107, that the intention was 'to confer on the citizens of the several States a general citizenship, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.' " Maxwell v. Dow: 176 U.S. 581, at 592 (1900).

http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA592#v=onepage&q&f=false

Thus, a citizen of a State, as distinguishable from a citizen of the United States, would be entitled to privileges and immunities of a citizen of the several States:

> "There can be no doubt that Balk, as a citizen of the State of North Carolina, had the right to sue Harris in Maryland to recover the debt which Harris owed him. Being a citizen of North Carolina, he was entitled to all the privileges and immunities of citizens of the several States, one of which is the right to institute actions in the courts of another State." Harris v. Balk: 198 U.S. 215, at 223 (1905).

http://books.google.com/books?id=ceIGAAAAYAAJ&pg=PA223#v=onepage&q=&f=false

A citizen of the United States would be entitled to privileges and immunities of a citizen of a State under Section 1, Clause 1 of the Fourteenth Amendment:

"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.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But the plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment." Bradwell v. the State of Illinois: 83 U.S. 130, at 138 (1873).

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Therefore, there are two state citizens in the several States; one under Section 1, Clause 1 of the Fourteenth Amendment with privileges and immunities of a citizen of the United States and one under Article IV, Section 2, Clause 1 with privileges and immunities of a citizen of the several States:

"Because the ordinance and specifications, under which the paving in this case was done, require the contractor to employ only bona fide resident citizens of the city of New Orleans as laborers on the work, it is contended, on behalf on the plaintiff in error, that thereby ***citizens of the State of Louisiana, and of each and every State and the inhabitants thereof, are deprived of their privileges and immunities under article 4, sec. 2, and under the Fourteenth Amendment to the Constitution of the United States***. It is said that such an ordinance deprives every person, not a bona fide resident of the city of New Orleans, of the right to labor on the contemplated improvements, and also is prejudicial to the property owners, because, by restricting the number of workmen, the price of the work is increased.

Such questions are of the gravest possible importance, and, if and when actually presented, would demand most careful consideration; but we are not now called upon to determine them.

In so far as the provisions of the city ordinance may be claimed to affect the rights and privileges of citizens of Louisiana and of the other States, the plaintiff in error is in no position to raise the question. It is not alleged, nor does it appear, that he is one of the laborers excluded by the ordinance from employment, or that he occupies any representative relation to them. Apparently he is one of the preferred class of resident citizens of the city of New Orleans." Chadwick v. Kelley: 187 U.S. 540, at 546 (1903).

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6. An error (actually two) has been shown. The Supreme Court should change their slip opinion before it is made a part to a preliminary print, and thereafter, a bounded volume.

Here is another source giving meaning on Article VI, Section 2, Clause 1 of the Constitution of the United States, since the adoption of the Fourteenth Amendment, in relation to the privileges and immunities of citizens of the several States:

> "The 'privileges and immunities of citizens of the several states' are those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by citizens of the several states which compose this union, from the time of their becoming free, independent, and sovereign. They may be all comprehended under the following general heads: Protection by the government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of the whole." *Brawner v. Irvin*, 169 Fed. 964, 967 (quoting and adopting definition in *Corfield v. Coryell*, 4 Wash. C. C. 371, 380, 6 Fed. Cas. 546; quoted in *Slaughter-House Cases*, 16 Wall. [83 U.S.] 36, 21 L. Ed. 394, and in *Hodges v. United States*, 27 Sup. Ct. 6, 203 U.S. 1, 51 L. Ed. 65); *Shaw v. City Council of Marshalltown*, 104 N. W. 1121, 1123, 131 Iowa, 128, 10 L. R. A. (N. S.) 825, 9 Ann. Cas. 1039 (citing and adopting definition in *Corfield v. Coryell*, 4 Wash. C. C. 371, 6 Fed. Cas. 546,)."

(Source: "Judicial and Statutory Definitions of Words and Phrases;" Second series; St Paul: West Publishing Company; 1914; Volume 3, page 1214.

http://books.google.com/books?id=9pENAAAAYAAJ&pg=PA1214#v=onepage&q&f=false

And:

> "**§244. Privileges and immunities of the citizens of the several states under the constitution.—**The constitution as originally adopted declares that: "The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." (52) This provision secures valuable rights to the citizens of the several states, and is in effect, a limitation upon the states; it inhibits each state from denying to the citizens of the several other states the privileges and immunities possessed and enjoyed by its own citizens. (53)

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52. U. S. Const. Art. IV, sec. 2, cl. 1.

53. *Paul v. Virginia*, 8 Wall. 168, 180 (19:357); *Slaughter-House Cases*, 16 Wall. 36, 130 (21:294); *Blake v. McClung*, 172 U.S. 239, 264 (43:432); *Ward v. Maryland*, 12 Wall. 418, 433 (20:449)

(Source: "Federal Procedure at Law; A Treatise on the Procedure in Suits at Common Law in the Circuit Courts of the United States;" C.L. Bates, of the Bar of San Antonio, Texas; Chicago: T.H. Flood and Company; 1908; Page 220.)

http://books.google.com/books?id=EOY9AAAAIAAJ&pg=PA220#v=onepage&q&f=false

Also:

" ' . . . The privileges and immunities of citizens of the United States protected by the fourteenth amendment, are privileges and immunities arising out of the nature and essential character of the federal Government, and granted or secured by the Constitution.' *Duncan v. Missouri* (1904) 152 U.S. 377, 14 Sup. Ct. 570, 38 L. Ed. 485; *Slaughter House Cases*, 16 Wall. 36, 21 L. Ed. 394.

The provisions of section 2, art. 4, of the federal Constitution, that citizens of each state shall be entitled to privileges and immunities of citizens of the several states, are held to be synonymous with rights of the citizens. *Corfield v. Coryell*, supra. This section is akin to the provision of section 1 of the fourteenth amendment, as respects privileges and immunities, but the former is held not to make the privileges and immunities (the rights) enjoyed by citizens of the several states the measure of the privileges and immunities (the rights) to be enjoyed as of right, by a citizen of another state, under its Constitution and laws. *McKane v. Durston*, 153 U.S. 684, 14 Sup. Ct. 913, 38 L. Ed. 867. This rule necessarily classifies citizens in their rights to the extent that a citizen of one state when in another state must be governed by the same rules which apply to the citizens of that state as to matters which are of the domestic concern of the state. *Cole v. Cunningham*, 133 U.S. 107, 10 Sup. Ct. 269, 33 L. Ed. 538; *People v. Gallagher*, 93 N.Y. 438, 45 Am. Rep. 232; *Butchers' Union v. Crescent City, Mo*., 111 U.S. 746, 4 Sup Ct. 652, 28 L. Ed. 585; *Ex parte Kinney*, 14 Fed. Cas. 602; *Douglas v. Stephens*, 1 Del. Ch. 465."

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