My View of Citizenship

Since The Fourteenth Amendment

After the adoption of the Fourteenth Amendment, the Supreme Court in the *Slaughterhouse Cases*, held that citizenship of a State was separate and distinct from citizenship of the United States. **[Footnote 1]** That a citizen of a State was separate and distinct from a citizen of the United States. **[Footnote 2], [Footnote 3]**

The United States government and individual State governments are both still sovereigns. **[Footnote 4]** As such, they have citizens of their own. **[Footnote 5]** Therefore, there is a citizen of the United States and a citizen of a State. **[Footnote 6]**

By force of the Fourteenth Amendment; at Section 1, Clause 1, a citizen of the United States residing in a State of the Union, becomes a citizen of a State also; 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 which 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. State of Illinois: 83 U.S. 130, at 138 (1873)

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As such a citizen of the United States, as a citizen of the United States ***and*** a citizen of a State **[Footnote 7]** owes allegiance to the individual State government and the United States government:

> ". . . [The government of the United States] can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.
>
> [A citizen] of the United States resident within any State [is] subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the [citizens] of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the

> United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties, and claims protection from both. The citizen 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." United States v. Cruikshank: 92 U.S. 542, at 550 thru 551 (1875).

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Also:

> "No fortifying authority is necessary to sustain the proposition that in the United States a double citizenship exists. A citizen of the United States is a citizen of the Federal Government and at the same time a citizen of the State in which he resides. Determination of what is qualified residence within a State is not here necessary. Suffice it to say that one possessing such double citizenship owes allegiance and is entitled to protection from each sovereign to whose jurisdiction he is subject." Kitchens v. Steele: 112 F. Supp. 383, at 386 (1953).

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In addition, in a legal proceeding in federal court between a citizen of the United States and a citizen of a State, a citizen of the United States is to aver that he or she is a citizen of the United States and a citizen of a State of the Union, a citizen of a State is to state that he or she is a citizen of the Union:

> "The bill filed in the Circuit Court by the plaintiff, McQuesten, alleged her to be 'a citizen of the United States and of the State of Massachusetts, and residing at Turner's Falls in said State,' while the defendants, Steigleder and wife were alleged to be 'citizens of the State of Washington, and residing at the city of Seattle in said State.' Steigleider v. McQuesten: 198 U.S. 141 (1905), *Statement of the Case*.

> "The averment in the bill that the parties were citizens of different States was sufficient to make a *prima facie* case of jurisdiction so far as it depended of citizenship." Steigleider v. McQuesten: 198 U.S. 141 (1905), *Opinion*, at 142. **[Footnote 8]**

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A citizen of a State, since the adoption of the Fourteenth Amendment, is 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).

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Therefore, a citizen of a State is also a citizen of the several States **[Footnote 9]**:

> "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 citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions." Cole v. Cunningham: 133 U.S. 107, at 113 thru 114 (1890).

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Therefore, in any State of the Union, there are two State citizens **[Footnote 11]**, a citizen of a State (***as well as*** a citizen of the several States (Article IV, Section 2, Clause 1)), and, a citizen of the United States ***and*** citizen of the State (Fourteenth Amendment). Each owes allegiance to the individual State government:

> "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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A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America), as a citizen of the several States, is a citizen of all the States, generally. Therefore, a citizen of a State, as a citizen of the several States, owes allegiance to all the States of the Union; that is, the several States. That the several States are separate and distinct from the United States is shown in the following provision of the Constitution of the United States (of America):

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States." Article II, Section 2, Clause 1 of the Constitution of the United States (of America).

http://www.archives.gov/exhibits/charters/constitution_transcript.html

Thus, the Fourteenth Amendment, changed one from being a citizen of a State ***as well as*** a citizen of the United States to being either a citizen of a State ***or*** a citizen of the United States. In addition, under Section 1, Clause 1 of the Fourteenth Amendment, one who is a citizen of the United States can become also a citizen of a State by residing in a State, that is, a citizen of the United States ***and*** a citizen of a State. Under Article IV, Section 2, Clause 1, a citizen of a State is now a citizen of the several States, that is, a citizen of a State ***as well as*** a citizen of the several States. So in every State in the Union, there are two state citizens; a citizen of the United States under Section 1, Clause 1 of the Fourteenth Amendment and a citizen of the several States under Article IV, Section 2, Clause 1 of the Constitution. And, under the Constitution of the United States (of America) there are two citizens; a citizen of the United States, at Section 1, Clause 1 of the Fourteenth Amendment and a citizen of the several States at Article IV, Section 2, Clause 1. A citizen of the United States

owes allegiance to the United States government, and if residing in a State, to the individual State government. A citizen of the several States owes allegiance not only to the State to where domiciled, but to all the States of the Union; that is, the several States.

Footnotes:

1. This was done so *Dred Scott* would not apply. In that case, citizenship of a State and citizenship of the United States were considered to be one in the same.

2. 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. As such, one owe allegiance to both the individual State government as well as the United States government:

> ". . . Every citizen of a State owes a double allegiance; he enjoys the protection and participates in the government of both the State and the United States." Houston v. Moore: 18 U.S. (5 Wheat.) 1, at 33; concurring opinion of Justice Johnson (1820).

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> ". . . Every citizen of the United States is also a citizen of a state . . . . He may be said to owe allegiance to ***two sovereigns***, and may be liable to punishment for an infraction of the laws of either." Moore v. State of Illinois: 55 U.S. (Howard 14) 13, at 20 (1852).

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3. "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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4. "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***. . . . .

. . . 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).

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Also:

"A flag is emblematic of the sovereignty of the power which adopts it. The American flag is emblematic of the sovereignty of the United States. Congress, by sections 1791 and 1792 of the Revised Statutes of the United States, has provided as follows: 'The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field. On the admission of a new state into the Union, one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding said admission.' In *Collector v. Day*, 11 Wall. 113, 20 L. Ed. 122, it was said: '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." ***The state of Illinois has never adopted a flag emblematic of its sovereignty***. The flag is the flag of the United States as a sovereignty. The United States acting through its congress, has adopted a flag emblematic of national sovereignty. Presumably, the national flag was adopted for the use of the citizens of the United States. There is a difference between the privileges and immunities belonging to the citizens of the United States as such, and those belonging to the citizens of each state as such. The privileges and immunities of citizens of the

United States are those which arise out of the nature and essential character of the national government, the provisions of its constitution, or its laws and treaties made in pursuance thereof; and it is these rights which are placed under the protection of congress by the fourteenth amendment. *People v. Loeffler*, 175 Ill. 585, 51 N. E. 785; *Slaughter-House Cases*, 16 Wall. 36, 21 L. Ed. 394. The right to use or display the flag (of the United States) would seem to be a privilege of a citizen of the United States, rather than the privilege of a citizen of any one of the states." Ruhstrat v. People: 57 N.E. 41, at 45; 185 Ill. 133 (1900).

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5. ". . . 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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And:

"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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Also:

"The statute relied on in support of the indictment originated as Section 6 of the Act of May 31, 1870, 16 Stat. 141, entitled "An Act of enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other Purposes." It appeared in the Revised Statutes with some alteration as Section 5508; was carried without change into the Criminal Code as Section 19; and now appears as Section 51 of Title 18 of the United States Code, 18 U.S.C.A. § 51. The applicable language is: 'If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same * * * they shall be fined not more than $5,000 and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of

the United States.' Some of the Sections of the Enforcement Act of 1870 were repealed in 1909, but Section 6, as then reenacted, stands good for whatever it properly covers. *United States v. Moseley*, 238 U.S. 383, 35 S.Ct. 904, 59 L.Ed. 1355.

In its construction it is proper to apply the rule that criminal laws are to be construed strictly, and to bear in mind that other rule that a construction is to be avoided, if possible, that would render the law unconstitutional, or raise grave doubts thereabout. ***In view of these rules it is held that 'citizen' means 'citizen of the United States', and not person generally, nor citizen of a State***; and that the 'rights and privileges secured by the Constitution or laws of the United States' means those specially and validly secured thereby." Powe v. United States: 109 F.2d 147, at 149 (1940).

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Too:

"***The rights, privileges, and immunities which the fourteenth amendment to the Constitution of the United States guaranties, and which this section of the Revised Statutes was designed to protect, were the rights, privileges, and immunities which belong to citizens of the United States as such, but not the rights, privileges, and immunities which belong to the citizens of the state***. There are privileges and immunities belonging to citizens of the United States in that relation and character, and it is these, and these alone, that a state is forbidden to abridge. *Bradwell v. The State*, 16 Wall. 130-138, 139, 21 L. Ed. 442." Wadleigh v. Newhall: 136 Fed. Rep. 941, at 946 (1905).

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In addition:

"***The Constitution forbids the abridging of the privileges of a citizen of the United States, but does not forbid the state from abridging the privileges of its own citizens***." Hopkins v. City of Richmond: 86 S. E. Rep. 139, at 145 (1915), citing the entire opinion of *Coleman v. Town of Ashland*, in its opinion (*per curiam*).

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"It will be observed that the language of the (fourteenth) amendment is peculiar in respect to the rights which the State is forbidden to abridge. Although the same section makes all 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, yet in speaking of the class of privileges and immunities which the State is forbidden to deny the citizen, they are referred to as the privileges and immunities

which belong to them as citizens of the United States. ***It has been argued from this language that such rights and privileges as are granted to its citizens, and depend solely upon the laws of the State for their origin and support, are not within the constitutional inhibition and may lawfully be denied to any class or race by the States at their will and discretion***. This construction is distinctly and plainly held in *The Slaughter-House Cases* (16 Wall. 36), by the Supreme Court of the United States. The doctrine of that case has not, to our knowledge, been retracted or questioned by any of its subsequent decisions." People v. Gallagher: 45 Am. Rep. 232, at 236 thru 237; 93 N.Y. 438 (1883).

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"Section 2 of article 4 of the constitution of the United States declares that 'the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.' ***In this there is no striking down of or limitation upon the right of a state to confer such immunities and privileges upon its citizens as it may deem fit***. The clause of the constitution under consideration is protective merely, not destructive, nor yet even restrictive. Over and over again has the highest court of the United States so construed this provision. Thus, in the *Slaughter-house Cases*, 16 Wall. 36, it is said: 'The constitutional provision there alluded to did not create those rights which it called privileges and immunities of citizens of the states. . . . . ***Nor did it profess to control the power of the state governments over the rights of its own citizens***. Its sole purpose was to declare to the several states that whatever 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": See, also, *Blake v. McClung*, 172 U.S. 239, 19 Sup. Ct. Rep. 165; *Ward v. Maryland*, 12 Wall. 418." In Re Johnson Estate: 96 Am. State Rep. 161, at 164; 73 Pac. Rep. 424; 139 Cal. 532 (1903).

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6.

" . . . In the Constitution and laws of the United States, the word 'citizen' is generally, if not always, used in a political sense to designate who has the rights and privileges of a ***citizen of a State or of the United States***." Baldwin v. Franks: 120 U.S. 678, at 690 (1887).

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And:

" . . . There is no inherent right in a citizen to thus sell intoxicating liquors by retail. It is not a privilege of a ***citizen of the State or of a citizen of the United States***." Crowley v. Christensen: 137 U.S. 86, at 91 (1890).

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Also:

". . . The respondent Elina A. Skarderud is concededly ***not a citizen of North Dakota, nor of the United States***." Moody v. Hagen (Tax Commission, Intervener): 162 N.W. 704, at 706 (1917).

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"In *Crowley v. Christensen*, 137 U. S. 86, the Supreme Court of the United States, through Mr. Justice Field, said:

'The sale of such liquors in this way has therefore been, at all times, by the courts of every state, considered as the proper subject of legislative regulation. . . . It is a question of public expediency and public morality, and not of federal law. The police power of the state is fully competent to regulate the business—to mitigate its evils, or to suppress it entirely. There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a ***citizen of the state or of a citizen of the United States***." McClure v. Topf & Wright: 166 S.W. Rep. 174, at 175 (1914).

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Too:

"A property owner who, in good faith, makes real property in this state his permanent home is entitled to homestead tax exemption, notwithstanding he is ***not a citizen of the United States or of this State***. (*Smith v. Voight*, 28 So. 2d 426 (Fla. 1946)). Florida Administrative Code, Section 12D-7007(2).

http://www.bcpa.net/Forms/FAC-Ch12D-7.pdf

(You may have to refresh your browser)

DeQuervain v. Desquin: 927 So. 2d 232, at 234 thru 235 (2006).

http://uniset.ca/other/cs6/927So2d232.html

Attorney General of Florida, Advisory Legal Opinion, AGO 2005-55, Dated: November 9, 2005.

http://www.myfloridalegal.com/ago.nsf/Opinions/44E1DCE5273DE959852570B40052B1C6

7. "... 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. *Slaughter-House Cases*, 16 Wall. 74." United States v. Cruikshank: 92 U.S. 542, at 549 (1875).

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8. A better way would be for one who is a citizen of a State, distinguishable from a citizen of the United States, to state that he or she is a citizen of the several States domiciled in the State of, for example, Louisiana. For a citizen of the United States, he or she can state that he or she is a citizen of the United States residing in the State of; for example, Georgia. The term, residing, should be used, for a citizen of the United States, as the Fourteenth Amendment, at Section 1 provides: "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***."

A citizen of a State, distinguishable from a citizen of the United States, is a citizen of the several States. This is shown next in the article.

9. A citizen of a State is not the same as a citizen of the several States. A citizen of a State, before the Fourteenth Amendment, was not a citizen of the several States. Article IV, Section 2, Clause 1 of the Constitution stated:

> "The citizens of each State shall be entitled to all privileges and immunities of citizens ***IN*** the several States."

It did not state:

> "The citizens of each State shall be entitled to all privileges and immunities of citizens ***OF*** the several States." **[Footnote 10]**

Since a citizen of a State was not entitled to all privileges and immunities of citizens ***OF*** the several States, before the Fourteenth Amendment, then a citizen of a State was not a citizen of the several States.

One was a citizen "of " the several states, before the Fourteenth Amendment, in the sense that he or she was eligible to be a citizen in all the States of the Union,

under Article IV, Section 2, Clause 1 of the Constitution. So a citizen of the several States did not exist before the Fourteenth Amendment:

> "The Constitution of the United States gives the courts of the Union jurisdiction over controversies arising 'between citizens of different states,' [Art. III. Sect. II. 1.] and the judicial act gives this Court jurisdiction, 'where the suit is between a citizen of the state where the suit is brought, and a citizen of another state.'
>
> The Constitution, as well as the law, clearly contemplates a distinction between citizens of different states; and although the 4th article declares, that 'the citizens of each state, shall be entitled to all privileges, and immunities of citizens in the several states,' yet they cannot be, in the sense of the judicial article, or of the judicial act, ***citizens of the several states***."
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> Reports of Cases Decided by the Honourable John Marshall, Late Chief Justice of the United States in The Circuit Court of the United States, for the District of Virginia and North Carolina: From 1802 to 1833 Inclusive; (1837) John W. Brockenbrough, Counsellor at Law, Philadelphia: James Kay, Jun & Brother, page 390 thru 391; "Prentiss, Trustee v. Barton's Executors".

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In addition, privileges and immunities of citizen of a State are located in the constitution and laws of an individual State:

> ". . . 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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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).

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There is also the following:

> " 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.'
>
> This clause does not refer to ***citizens of the States***. It embraces only citizens of the United States. It leaves out the words '***citizen of the State***,' which is 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 citizens of a State under the protection of the State constitution. This is fully shown by the recent decision of the Supreme Court of the United States in the *Slaughter-House Cases*, 16 Wall. 36." Cory v. Carter: 17 Am. Rep. 738, at 753, 48 Ind. 327 (1874).

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Note: The term ***citizen of the states*** is equivalent to the term ***citizen of the several states***.

> "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 (1873).

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10. See *Slaughterhouse Cases*, page 75:

"In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section two of the fourth article, in the following words: 'The citizens of each State shall be entitled to all the privileges and immunities of citizens ***OF*** the several States.' "

http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA75#v=onepage&q&f=false

11. "The Constitution forbids the abridging of the privileges of a citizen of the United States, but does not forbid the state from abridging the privileges of its own citizens.

The rights which a person has as a citizen of the United States are those which the Constitution and laws of the United States confer upon a citizen as a citizen of the United States. For instance, a man is a ***citizen of a state*** by virtue of his being resident there; but, if he moves into another state, he becomes at once a citizen there by operation of the Constitution (Section 1, Clause 1 of the Fourteenth Amendment) making him a citizen there; and needs no special naturalization, which, but for the Constitution, he would need.

On the other hand, the rights and privileges which a ***citizen of a state*** has are those which pertain to him as a member of society, and which would be his if his state were not a member of the Union. Over these the states have the usual power belonging to government, subject to the proviso that they shall not deny to any

person within the jurisdiction (i.e., to their own citizens, the citizens of other states, or aliens) the equal protection of the laws. These powers extend to all objects, which, in the ordinary course of affairs, concern the lives, liberties, privileges, and properties of people, and of the internal order, improvement, and prosperity of the state. *Federalist, No. 45*" Hopkins v. City of Richmond: 86 S. E. Rep. 139, at 145 (1915), citing the entire opinion of *Coleman v. Town of Ashland*, in its opinion (*per curiam*).

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