

Section 1, Clause 1 of the Fourteenth Amendment: Citizenship in a State based on Residence

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Section 1, Clause 1 of the Fourteenth Amendment to the Constitution of the United States of America states:

"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."

By force of Section 1, Clause 1 of the Fourteenth Amendment, a citizen of the United States can become also 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.

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).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA138#v=onepage&q=&f=false>

As such, a citizen of the United States would be, in this case, a citizen of the United States **AND** a citizen of a State:

"The question is presented in this case, whether, since the adoption of the fourteenth amendment, a woman, who is a citizen of the United States **AND** the State of Missouri, is a voter in that State, notwithstanding the provision of the constitution and laws of the State, which confine the right of suffrage to men alone. . . .

There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment 'all persons born or naturalized in the United States and subject to the jurisdiction thereof' are expressly declared to be 'citizens of the United States and of the State wherein they reside.' " Minor v. Happersett: 88 U.S. (21 Wall.) 162, at 165 (1874).

<http://books.google.com/books?id=IEsGAAAAAYAAJ&pg=PA165#v=onepage&q&f=false>

Or, in other words, a citizen of the United States resident in a State:

“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. 8408, 1 Woods 21, 28; *Bradwell v. State of Illinois*, 16 Wall. 130. 138.” *Opinion, Whitfield v. State of Ohio*: 297 U.S. 431, at 437 (1936).

<http://supreme.justia.com/us/297/431/> (Syllabus)

http://scholar.google.com/scholar_case?case=13866319457277062642 (Opinion)

Citizenship in a particular State, therefore, is based on residence:

“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 U.S. (16 Wall.) 36, at 74 (1873).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA74#v=onepage&q&f=false>

“The language of the Fourteenth Amendment declaring two kinds of citizenship is discriminating. It is: ‘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.’ While it thus establishes national citizenship from the mere

circumstance of birth within the territory and jurisdiction of the United States, birth within a state does not establish citizenship thereof. State citizenship is ephemeral. It results only from residence and is gained or lost therewith." Edwards v. People of the State of California: 314 U.S. 160, 183 (*concurring opinion of Jackson*) (1941).

http://scholar.google.com/scholar_case?case=6778891532287614638

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Cite as: "Section 1, Section 1 of the Fourteenth Amendment: Citizenship in a State based on Residence" Dan Goodman, at the Minuteman Page (<http://mhkeehn.tripod.com>)

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