Getting a Passport as a citizen of a State under Article IV, Section 2, Clause 1 of the Constitution of the United States of America

There are two provisions that relate to getting a passport in the United States (of America). They are:

"No passport shall be granted or issued to or verified for any other persons that those owing allegiance, whether citizens or not, to the United States." 22 U.S.C. 212 (2010).

http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t21t25+742+0++%28%29%20%20AND%20%28%2822%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%28212%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20

"Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths." 22 U.S.C. 213 (2010).

http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t21t25+744+0++%28%29%20%20AND%20%28%2822%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%28213%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20

The first provision deals with citizenship. The second concerns identity. This article deals with the first.

22 U.S.C. 212 no longer applies to a citizen of the United States. In 1902, 22 U.S.C. 212 was changed. In the "Act June 14, 1902, substituted 'those owing allegiance, whether citizens or not, to the United States' for 'citizens of the United States."

Amendments, 22 U.S.C. 212 (2010). In addition, at 22 U.S.C. 211(a) (2010), it states:

"The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States, and by such other employees of the Department of State who are ***citizens of the United States*** as the Secretary of State may designate."

http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t21t25+741+0++%28%29%20%20AND%20%28%2822%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%28211a%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20

If 22 U.S.C. 212 applied only to citizens of the United States, then the section would have been changed back when Title 22 was being compiled, to be consistent with 22 U.S.C 211(a). However, this was not done. Which means 22 U.S.C. 212 does not apply to only citizens of the United States.

The reason this is so is because there are two citizens in the nation of the United States which owe allegiance to the United States; the first, is a citizen of the United States, under Section 1 of the Fourteenth Amendment, and the second, is a citizen of the several States (united).

A citizen of the United States owes allegiance to the United States, and if resident in a State of the Union, owes allegiance also to the particular State. **[Footnote 1]**

A citizen of the several States (united) was a citizen of the United States before the Fourteenth Amendment:

". . . So, a State may, by rule uniform in its operation as to ***citizens of the several States***, require residence within its limits for a given time before a citizen of another State who becomes a resident thereof shall exercise the right of suffrage or become eligible to office. It has never been supposed that regulations of that character materially interfered with the enjoyment by ***citizens of each State of the privileges and immunities secured by the Constitution to citizens of the several States***. The Constitution forbids only such legislation affecting citizens of the respective States as will substantially or practically put a citizen of one State in a condition of alienage when he is within or when he removes to another State, or when asserting in another State the rights that commonly appertain to those who are part of the political community known as ***THE PEOPLE OF THE UNITED STATES***, by and for whom the Government of the Union was ordained and established. Blake v. McClung: 172 US. 239, at 256 thru 257 (1898).

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"To determine, then, who were ***citizens of the United States*** before the adoption of the [14th] amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.

Looking at the Constitution itself we find that it was ordained and established by ***'THE PEOPLE OF THE UNITED STATES***,' and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth, and that had by Articles of Confederation and Perpetual Union, in which they took the name of 'the United States of America,' entered in to a firm league of friendship with each other for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen - a member of the nation created by its adoption. He was one the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were." Minor v. Happersett: 88 U.S. 162, 166 thru 167 (1874). **[Footnote 2]**

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As a citizen of the United States, a citizen of the several States before the Fourteenth Amendment, was also a citizen of a State, under Article IV, Section 2, Clause 1:

". . . 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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A citizen of the United States, before the Fourteenth Amendment, was considered to be a citizen of the several States united:

"The act of Congress referred to in the first section of the *act of 11th April, 1799* is repealed and supplied by an act passed *14th April, 1802*, which is incorporated in this note for the purpose of connecting the whole law on the subject.

'An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be in enacted, &c. That any alien being a free white person, may be admitted to become ***a citizen of the United States, or any of them*** **[Footnote 4]**, on the following conditions, and not otherwise:

First, That he shall have declared, on oath or affirmation, before the Supreme, Superior, District or Circuit Court of some one of the states or of the territorial districts of the United States, or a Circuit or District Court of the United States, three years at least before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject, which proceedings shall be recorded by the clerk of the court.' " Laws of the Commonwealth of Pennsylvania, From the Fourteenth Day of October, One Thousand Seven Hundred. Republished, Under the Authority of the Legislature with Notes and References, Volume 4, (1810); Philadelphia: John Bioren, page 364.

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Therefore, a citizen of a State, under Article IV, Section 2, Clause 1, owed allegiance to two sovereigns, the particular State, and the United States (that is, the several States united):

". . . 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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"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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In the *Slaughterhouse Cases*, the Supreme Court of the United States held that a citizen of a State was separate and distinct from a citizen of the United States:

"***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 respective are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (Section 1, Clause 2 of the Fourteenth Amendment) 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 amendment." Slaughterhouse Cases: 83 U.S. (16 Wall.) 36, at 74 (1873).

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In addition:

". . . It is, then, to the Fourteenth Amendment that the advocates of the congressional act must resort to find authority for its enactment, and to the first section of that amendment, which is as follows: 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.'

In the first clause of this section, declaring who are citizens of the United States, there is nothing which touches the subject under consideration. The second clause, declaring that 'no State shall make or enforce any law which will abridge the privileges or immunities of citizens of the United States,***' is limited, according to the decision of this court in Slaughter-House Cases, to such privileges and immunities as belong to citizens of the United States, as distinguished from those of citizens of the State***." Neal v. State of Delaware: 103 U.S. 370, at 406 (1880).

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And:

"Referring to the same provision of the Constitution (that is; the second section of article 4), this court said, in *Slaughter-House Case*, ubi supra, that it 'did not create

those rights which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. ***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 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.' " United States v. Harris: 106 U.S. 629, at 643 thru 644 (1882).

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So now there is a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution and there is a citizen of the United States, under Section 1 of the Fourteenth Amendment: **[Footnote 5]**

" . . . 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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" . . . In the Constitution and laws of the United States, the word 'citizen' is generally, if not always, used in a political sense to designate ***one 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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A citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment:

"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).

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"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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In such case then there would be a citizen of a State, under Article IV, Section 2, Clause 1 **[Footnote 6]** of the Constitution and also a citizen of the United States **AND** a citizen of a State, under Section 1 of the Fourteenth Amendment:

"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 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.' " *Statement of the Case*, Steigledger v. McQuesten: 198 U.S. 141 (1905).

"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 on citizenship." *Opinion*, Steigledger v. McQuesten: 198 U.S. 141, at 142 (1905).

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And there is this:

"We come to the contention that the citizenship of Edwards was not averred in the complaint or shown by the record, and hence jurisdiction did not appear.

In answering the question, whether the Circuit Court had jurisdiction of the controversy, we must put ourselves in the place of the Circuit Court of Appeals, and decide the question with reference to the transcript of record in that court.

Had the transcript shown nothing more as to the status of Edwards than the averment of the complaint that he was a 'resident of the State of Delaware,' as such an averment would not necessarily have imported that Edwards was a citizen of Delaware, a negative answer would have been impelled by prior decisions. *Mexican Central Ry. Co. v. Duthie,* 189 U.S. 76; *Horne v. George H. Hammond Co.*, 155 U.S. 393; *Denny v. Pironi*, 141 U.S. 121; *Robertson v. Cease*, 97 U.S. 646. The whole record,

however, may be looked to, for the purpose of curing a defective averment of citizenship, where jurisdiction in a Federal court is asserted to depend upon diversity of citizenship, and if the requisite citizenship, is anywhere expressly averred in the record, or facts are therein stated which in legal intendment constitute such allegation, that is sufficient. *Horne v. George H. Hammond Co*., supra and cases cited.

As this is an action at law, we are bound to assume that the testimony of the plaintiff contained in the certificate of the Circuit Court of Appeals, and recited to have been given on the trial, was preserved in a bill of exceptions, which formed part of the transcript of record filed in the Circuit Court of Appeals. Being a part of the record, and proper to be resorted to in settling a question of the character of that now under consideration, *Robertson v. Cease*, 97 U.S. 648, we come to ascertain what is established by the uncontradicted evidence referred to.

In the first place, it shows that Edwards, prior to his employment on the New York Sun and the New Haven Palladium, was legally domiciled in the State of Delaware. Next, it demonstrates that he had no intention to abandon such domicil, for he testified under oath as follows: 'One of the reasons I left the New Haven Palladium was, it was too far away from home. I lived in Delaware, and I had to go back and forth. My family are over in Delaware.' Now, it is elementary that, to effect a change of one's legal domicil, two things are indispensable: First, residence in a new domicil, and, second, the intention to remain there. The change cannot be made, except facto et animo. Both are alike necessary. Either without the other is insufficient. Mere absence from a fixed home, however long continued, cannot work the change. *Mitchell v. United States*, 21 Wall. 350.

As Delaware must, then, be held to have been the legal domicil of Edwards at the time he commenced this action, ***had it appeared that he was a citizen of the United States, it would have resulted, by operation of the Fourteenth Amendment, that Edwards was also a citizen of the State of Delaware***. *Anderson v. Watt*, 138 U.S. 694. Be this as it may, however, Delaware being the legal domicil of Edwards, it was impossible for him to have been a citizen of another State, District, or Territory, and he must then have been either ***a citizen of Delaware*** or a citizen or subject of a foreign State. In either of these contingencies, the Circuit Court would have had jurisdiction over the controversy. But, in the light of the testimony, we are satisfied that the averment in the complaint, that Edwards was a resident 'of' the State of Delaware, was intended to mean, and, reasonably construed, must be interpreted as averring, that ***the plaintiff was a citizen of the State of Delaware***. *Jones v. Andrews*, 10 Wall. 327, 331; *Express Company v. Kountze*, 8 Wall. 342." Sun Printing & Publishing Association v. Edwards: 194 U.S. 377, at 381 thru 383 (1904).

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A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, is entitled to privileges and immunities of a citizen of the several States **[Footnote 7]**, and as such, is also a citizen of the several States **[Footnote 8]**; that is, a citizen of all the several States, generally, or a citizen of the several States united:

"Referring to §1307 of Mr. Justice Story's Commentaries on the Constitution, and the cases cited, to which he added *Benton v. Burgot*, 10 S. & R. 240, the learned judge inquired: 'What, then, is the right of a state to exercise authority over the persons of those who belong to another jurisdiction, and who have perhaps not been out of the boundaries of it?' (p. 450) and quoted from Vattel, Burge, and from Mr. Justice Story (Conflict of Laws, c. 14, §539), that ' "no sovereignty can extend its process beyond its own territorial limits to subject other persons or property to its judicial decisions. Every exertion of authority beyond these limits is a mere nullity, and incapable of binding such persons or property in other tribunals," ' and thus continued: ' "Such is the familiar, reasonable, and just principle of the law of nations; and it is scarce supposable that the framers of the Constitution designed to abrogate it between States which were to remain as independent of each other, ***for all but national purposes***, as they were before the revolution. . . . . (page 296)

Publicists concur that domicile generally determines the particular territorial jurisprudence to which every individual is subjected. ***As correctly said by Mr. Wharton, the nationality of our citizens is that of the United States*** **[Fn 9],** and by the laws of **the United States** **[Fn 9]** they are bound in all matters in which **the United States ARE** **[Footnote 9]** sovereign; but in other matters, their domicile is in the particular State, and that determines the applicatory territorial jurisprudence. A foreign judgment is impeachable for want of personal service within the jurisdiction of the defendant, this being internationally essential to jurisdiction in all cases in which the defendant is not a subject of the State entering judgment; and it is competent for a defendant in an action on a judgment of a sister State, as in an action of a foreign judgment, to set up as a defense, want of jurisdiction, in that he was not an inhabitant of the State rendering the judgment and had not been served with process and did not enter his appearance. Whart. Conflict Laws, §§ 32, 654, 660; Story Conflict Laws, §§ 539, 540, 586.

John Benge was ***a citizen of Maryland*** when he executed this obligation. The subject-matter of the suit against him in Pennsylvania was merely the determination of his personal liability." Grover & Baker Sewing Machine Company v. Radcliffe: 137 U.S. 287, at 296, 297 thru 298 (1890).

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Thus, there are two citizens who can obtain a passport under 22 U.S.C. 212. They are a citizen of the United States, under Section 1 of the Fourteenth Amendment;

and a citizen of the several States (united), under Article IV, Section 2, Clause 1 of the Constitution of the United States of America. A citizen of the United States owes allegiance to the United States. A citizen of the several States (united) owes allegiance to the United States; that is, to the several States united. **[Footnote 10]**

Footnotes:

1. "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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"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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2. A citizen of the several States is therefore not the same as a citizen of the United States:

"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 (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 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, 74 (1873). **[Footnote 3]**

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"The fourteenth amendment creates and defines citizenship of the United States. It had long been contended, and had been held by many learned authorities, and had never been judicially decided to the contrary, that there was not such thing as a citizen of the United States, except as that condition arose from citizenship of some State. No mode existed, it was said, of obtaining a citizenship of the United States, except by first becoming a citizen of some State. This question is now at rest. The fourteenth amendment defines and declares who shall be citizens of the United States, to wit: 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The latter qualification was intended to exclude the children of foreign representatives and the like. With this qualification, every person born in the United States or naturalized, is declared to be a citizen of the United States and of the State wherein he resides.

"After creating and defining citizenship of the United States, the fourteenth amendment provides, that 'no State shall make or enforce any law which shall abridge the privileges or immunities of *citizens of the United States* (emphasis not mine).' This clause is intended to be a protection, not to all our rights, but to our rights as citizens of the United States only; that is, to rights existing or belonging to that condition or capacity. The expression, citizen of a State, used in the previous paragraph, is carefully omitted here. In Article 4, section 2, subdivision 1, of the Constitution of the United States, it had been already provided, that 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' The rights of ***citizens of the states*** **[see Note]** (under Article IV, Section 2, Clause 1) and of ***citizens of the United States*** (under Section 1, Clause 2 of the Fourteenth Amendment) are each guarded by these different provisions. That these rights are separate and distinct, was held in the *Slaughter-House Cases,* (16 *Wallace,* 36,) recently decided by the Supreme Court. The rights of citizens of the State, as such, are not under consideration in the fourteenth amendment. They stand as they did before the adoption of the fourteenth amendment, and are fully guaranteed by other provisions. The rights of ***citizens of the states*** have been the subject of judicial decision on more than one occasion. *(Corfield v. Coryell*, 4 *Wash. C. C. R.,* 371; *Ward* v. *Maryland,* 12 *Wallace,* 418, 430; *Paul* v. *Virginia,* 8 *Wallace,* 168.) These are the fundamental privileges and immunities belonging of right to the citizens of all free governments, such as the right of life and liberty, the right to acquire and

possess property, to transact business, to pursue happiness in his own manner, subject to such restraint as the Government may adjudge to be necessary for the general good. In *Crandall v. Nevada*, 6 Wallace, 35, 44, is found a statement of some of the rights of a citizen of the United States, viz, to come to the seat of government to assert any claim he may have upon the Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions, and to have free access to its seaports, through which all the operations of foreign commerce are conducted, to the sub-treasuries, the land offices, the revenue offices, and the Courts of justice in the several States. 'Another privilege of a citizen of the United States,' says Mr. Justice Miller, in the *Slaughter-House Cases*, 'is to demand the care and protection of the Federal Government over his life, liberty, and property, when on the high seas or within the jurisdiction of a foreign government.' 'The right to peaceably assemble and petition for redress of grievances, the privilege of the writ of *habeas corpus* (emphasis not mine),' he says 'are rights of the citizen guaranteed by the Federal Constitution." United States v. Susan B. Anthony: 11 2 nd Jud. Cir. 200, at 203 thru 204 (1873).

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" '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*** **[see Note]**. 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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"Williams was arrested upon a warrant charging him with 'the offense of acting as emigrant agent without a license.' He made application to the judge of the superior court of the Ocmulgee circuit for a writ of habeas corpus, alleging that the warrant under which he was arrested charged him with a violation of that provision of the general tax act of 1898 which imposed 'upon each emigrant agent, or employer or employe of such agents, doing business in this state, the sum of five hundred dollars for each county in which such business is conducted.' Acts 1898, p. 24. He further alleged that the law which he was charged with having violated was in conflict with certain provisions of the constitutions of the United States and of the state of Georgia, enumerating in the application the various clauses of which the act was alleged to be violative . . . .

Is the law (the general tax act of 1898) a regulation or restriction of intercourse among the citizens of this state and those of other states? Under this branch of commerce the states are prohibited from passing any law which either restricts the free passage of the ***citizens of the United States*** through the several states, or which undertakes to regulate or restrict free communication between the ***citizens of the several states***. A tax on the right of a citizen to leave the state, or on the right of a citizen of another state to come into the state, is a regulation of interstate commerce, and void. *Crandall v. Nevada*, 6 Wall. 35, 18 L.Ed. 744; *Henderson v. Mayor*, etc., 92 U.S. 259, 23 L.Ed. 543; *People v. Compagnie Generale Transatlantique*, 107 U.S. 59, 2 Sup. Ct. 87, 27 L.Ed. 383; *Passenger Cases*, 7 How. 282, 12 L.Ed. 702. Nor can a state pass a law which attempts to regulate or restrict communication between the ***citizens of different states***. *Telegraph Co. v. Pendleton*, 122 U.S. 347, 7 Sup. Ct. 1126, 30 L.Ed. 1187; *Pensacola Tel. Co. v. W. U. Tel. Co.*, 96 U.S. 1, 24 L.Ed. 708. But the law under consideration in the present case neither regulates nor restricts the right of citizens of this state to leave its territory at will, nor to hold free communication with the citizens of other states." Williams v. Fears: 35 S.E. 699, at 699, 701 (1900).

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"(425). . . The appellants' first contention was, as expressed by the commissioner in the opinion in the *Mahoney Case*, 'that legacies to nephews and nieces are exempt from the collateral inheritance tax, whether they reside in this state or not.' This contention was a claim that section 2 of article 4 of the Constitution of the United States secured not merely to citizens of other states the immunities and privileges granted by a state to its own citizens, but secured the same to aliens, to residents of territories, and citizens of the United States who are not citizens of any state, none of which classes come under the protecting shield of the Constitution. . . .

(426) Section 2, art. 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 as it may deem fit upon its own citizens. 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, 21 L. Ed. 394, 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. 165, 43 L. Ed. 432; *Ward v. Maryland*, 12 Wall. 418, 20 L. Ed. 449. It will be noted not only that the constitutional provision is not restrictive, but that it is neither penal nor destructive. It nowhere intimates that an immunity conferred upon citizens of a state, because not in terms conferred upon citizens of sister states, shall therefore be void. Some force might be given to such an argument, were the constitutional provision couched in appropriate language for the purpose. If, for example, it had said, 'No citizen of any state shall be granted any immunity not granted to every citizen of every state,' or had it begun its declaration by saying that 'it shall be unlawful to grant to citizens of any state any privilege or immunity not granted to citizens of every state,' it might then have been argued that a legislative attempt so to do would be declared violative of the express mandate of the Constitution, and therefore void. But such is neither the scope, purpose, nor intent of the provision under consideration. It leaves to the state perfect freedom to grant such privileges to its citizens as it may see fit, but secures to the citizens of all the other states, by virtue of the constitutional enactment itself, the same rights, privileges, and immunities. So that, in every state law conferring immunities and privileges upon citizens, the constitutional clause under consideration, ex proprio vigore, becomes an express part of such statute. Thus it is expressed by Mr. Justice Harlan in *Blake v. McClung*, supra: 'The object of the constitutional guaranty 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 like circumstances. . . . These principles have not been modified by any subsequent decision of this court.' Here, then, in precise terms, and from the highest court of our land, charged with the duty of construing our governmental law, it is declared that the purpose of the constitutional guaranty is to confer and communicate all privileges which may thus be granted by a state to its own citizens—a rule of construction obviously radically different from that which would strike down an immunity granted by a state to its own citizens because in terms such immunity had not been conferred upon citizens of all the states. It is unnecessary that a statute should so expressly provide. The Constitution itself becomes a part of the law.

And this, in giving operation to that constitutional provision, is what the courts have always done. They have never stricken down the immunity and the privilege which a state may have accorded to its own citizen. They have never annulled the exemption. They have always construed the law so as to relieve the citizens of other states, and place all upon equal footing. . . . In all these cases, and in every other case, if a privilege or immunity has been by the state conferred upon its citizens, and not in terms upon the citizens of other states, such privilege and immunity is not for that reason declared void, but the protecting arm of the Constitution is thrown around the citizens of every other state who thus are embraced within the privilege granted. The converse of the proposition is this—and it is the form in which the

question has most frequently arisen—that, when a state has sought to impose a burden upon citizens of other states not imposed upon citizens of its own state, such effort is always held to be void. . . . The constitutional immunity goes only to citizens of sister states, and there is a clear distinction thus recognized between ***citizens of the States*** and ***citizens of the United States*** who are not citizens of any state, as well as citizens of alien states. *Murray v. McCarty*, 2 Munf. 393. By virtue of the Constitution of the United States, the immunity which the Legislature, by the amendment of 1897, conferred upon citizens of this state, is extended to citizens of sister states, but the immunity goes no further." In Re Johnson's Estate: 93 P. Rep. 424, at 425, 426 (1903).

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"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 distinction, 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.)

http://books.google.com/books?id=7GlCAAAAIAAJ&pg=PA1218#v=onepage&q&f=false

"The clauses of the Fourteenth Amendment invoked by appellants declare: 'No state shall make or enforce any law which shall abridge the privileges or immunities of citizen of the United States; nor shall any state deprive any person of life, liberty or property, without due process of laws.'

Appellants' contentions are that the enforcement of the order prescribing instruction in military science and tactics abridges some privilege or immunity covered by the first clause and deprives of liberty safeguarded by the second. The 'privileges and immunities' protected are only those that belong to citizens of the United States, as distinguished from ***citizens of the States*** **[see Note]** -- those that arise from the Constitution and laws of the United States, as contrasted with those that spring from other sources." Hamilton v. Regents of University of California: 293 U.S. 245, at 261 (1934).

http://scholar.google.com/scholar_case?case=9715465847016786306

"By the Fourteenth Amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States

and of the State wherein they reside; and the States are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty or property without due process of law, or deny to any person with their jurisdiction the equal protection of the laws.

The proper construction of this amendment was first called to the attention of this court in the *Slaughter-house cases*, 16 Wall. 36, which involved, however, not a question of race, but one of exclusive privileges. The case did not call for any expression of opinion as to the exact rights it was intended to secure to the colored race, but it was said generally that its main purpose was to establish the citizenship of the negro, to give definitions of citizenship of the United States and of the States, and to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States, as distinguished from those of ***citizens of the States*** **[see Note]**." Plessy v. Ferguson: 163 U.S. 537, 543 (1896), overruled on other grounds, Brown v. Board of Education of Topeka: 347 U.S. 482 (1954).

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IN THE HOUSE OF REPRESENTATIVES, on March 6, 2001, Mr. Ron Paul, submitted the following concurrent resolution, which was referred to the Committee on International Relations:

107th Congress, 1st Session, H. Con. Res. 49 –

CONCURRENT RESOLUTION

Expressing the sense of Congress that the treaty power of the President does not extend beyond the enumerated powers of the Federal Government, but is limited by the Constitution, and any exercise of such Executive power inconsistent with the Constitution shall be of no legal force or effect.

Whereas article VI of the Constitution provides that only those Treaties made 'under the Authority of the United States' are the Supreme Law of the Land;

Whereas the Authority of the United States is limited to the powers of the Federal Government specifically enumerated in the Constitution, and is further limited, by the procedures and prohibitions set forth therein; and

Whereas, as a limit on governmental power, the People of the United States have vested Federal powers in three coequal branches of government, each with unique and limited powers and each with a coequal duty to uphold and sustain the Constitution of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that--

(1) no treaty, or any provision thereof, which denies or abridges any constitutionally enumerated right shall be of any legal force or effect;

(2) no treaty, or any provision thereof, which denies or abridges the powers reserved by the Constitution to the several States or to the people shall be of any legal force or effect;

(3) no treaty, or any provision thereof, shall authorize or permit any foreign power or any international organization to oversee, supervise, monitor, control, or adjudicate the legal rights or the **privileges and immunities of citizens of the United States or of citizens of the several States**, when such rights, privileges and immunities are, according to the Constitution, subject to the domestic jurisdiction of the United States or the several States; and any decision of any international body to the contrary, shall be disregarded by the courts of the United States and of the several States;

(4) no treaty, or any provision thereof, shall have any force or effect as law within the United States except as provided for by appropriate legislation duly enacted by Congress pursuant to its constitutionally enumerated powers; and

(5) no Executive Agreement, or other agreement between the United States Government and the government of any other nation, shall have any force or effect as law within the United States, but shall be subject to the same procedures and limitations on treaties as set forth in the Constitution, including but not limited to ratification by the two-thirds vote required by article II, section 2.

http://thomas.loc.gov/cgi-bin/query/z?c107:H.CON.RES.49:

(*Note*: Semicolon after the number 49 may not show up in your browser, you will have to type the semicolon in after the number 49 and refresh your browser to see the concurrent resolution.)

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 ***citizen of the several states***? . . .'

This definition of the privileges and immunities of ***citizen 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).

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

3. Privileges and immunities of a citizen of the several States are not the same as the privileges and immunities of a citizen of the United States. Privileges and immunities of a citizen of the United States arise "out of the nature and essential character of the Federal government, and granted or secured by the Constitution" (*Duncan v. State of Missouri*: 152 U.S. 377, at 382 [1894]) or, in other words, "owe their existence to the Federal government, its National character, its Constitution, or its laws." (*Slaughterhouse Cases*: 83 (16 Wall.) U.S. 38, at 79 [1873]).

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http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA79#v=onepage&q=&f=false

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).

http://books.google.com/books?id=HuEGAAAAYAAJ&pg=PA15#v=onepage&q=&f=false

The location for privileges and immunities of a citizen of the United States is Section 1, Clause 2 of the Fourteenth Amendment:

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

The designation for privileges and immunities of a citizen of the several States is Article IV, Section 2, Clause 1 of the Constitution of the United States of America:

"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).

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

" ' . . . 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." Strange v. Board of Commission: 91 N.E. 242, at 246 (1910).

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4. The term "the United States," as used therein, refers to the several States united:

"At the time of the formation of the constitution, the States were members of the confederacy united under the style of 'the United States of America,' and upon the express condition that 'each State retains its sovereignty, freedom, and independence.' And the consideration that, under the confederation, 'We, the people of the United States of America,' indubitably signified the people of the several States of the Union, as free, independent and sovereign States, coupled with the fact that the constitution was a continuation of the same Union ("a more perfect Union"), and a mere revision or remodeling of the confederation, is absolutely conclusive that, ***by the term, 'the United States' is meant the several States united*** as independent and sovereign communities***; and by the words, 'We, the people of the United States,' is meant the people of the several States*** as distinct and sovereign communities, and not the people of the whole United States collectively as a nation." Stunt v. Steamboat Ohio: 4 Am. Law. Reg. 49, at 95 (1855), Dis. Ct., Hamilton County, Ohio; and (same wording) Piqua Bank v. Knoup, Treasurer: 6 Ohio 261, at 303 thru 304 (1856).

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This is also shown in the Constitution of the United States of America at Article II, Section 1, Clause 7, whereat it states:

"The President shall, at stated Times, receive for his Services, a Compensation,

which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from ***the United States, or any of them***."

5. "Another objection to the act is that it is in violation of section 2, art. 4, of the constitution of the United States, and of the fourteenth amendment, in that this act discriminates both as to persons and products. Section 2, art. 4, declares that the citizens of each state shall be entitled to all the privileges and immunities of the citizens of the several states; and the fourteenth amendment declares that no state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. But we have seen that the supreme court, in *Crowley v. Christensen*, 137 U.S. 91, 11 Sup. Ct. Rep. 15, has declared that there is no inherent right in a citizen to sell intoxicating liquors by retail. It is not a privilege of ***a citizen of a state or of a citizen of the United States***." Cantini v. Tillman: 54 Fed. Rep. 969, at 973 (1893).

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"Two clauses of the United States Constitution are invoked: § 2 of art. 4, which declares that 'The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States,' and part of § 1 of the 14th Amendment: 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

A comparison of the statute under review with the other game laws of the State shows that, with regard to hunting game, greater restrictions are placed upon non-residents than upon residents, and that the penalties incurred by the former for violating the restrictions imposed are severer than those incurred by the latter.

The discriminations of the statute are not based upon the fact of citizenship, nor does it appear by the record before us that the prosecutor was a ***citizen either of a sister State or of the United States***. Consequently, § 2 of article 4 and so much of the 14th Amendment as secures the privileges and immunities of the citizen of the Nation are not applicable to the case in hand." Allen v. Wyckoff: 2 Cent 213 (1886).

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6. It is to be noted that privileges and immunities of a citizen of a State are in the

constitution and laws of a particular 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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7. "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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8. "The intention of section 2 of Article 4 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).

http://books.google.com/books?id=oGYUAAAAYAAJ&pg=PA113#v=onepage&q=&f=false

9. The term "the United States," as used therein, refers to the several States united:

"At the time of the formation of the constitution, the States were members of the confederacy united under the style of 'the United States of America,' and upon the express condition that 'each State retains its sovereignty, freedom, and independence.' And the consideration that, under the confederation, 'We, the people of the United States of America,' indubitably signified the people of the several States of the Union, as free, independent and sovereign States, coupled with the fact that the constitution was a continuation of the same Union ("a more perfect Union"), and a mere revision or remodeling of the confederation, is absolutely conclusive that, ***by the term, 'the United States' is meant the several States united*** as independent and sovereign communities***; and by the words, 'We, the people of the United States,' is meant the people of the several States*** as distinct and

sovereign communities, and not the people of the whole United States collectively as a nation." Stunt v. Steamboat Ohio: 4 Am. Law. Reg. 49, at 95 (1855), Dis. Ct., Hamilton County, Ohio; and (same wording) Piqua Bank v. Knoup, Treasurer: 6 Ohio 261, at 303 thru 304 (1856).

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http://books.google.com/books?id=UfADAAAAYAAJ&pg=PA303#v=onepage&q&f=false

This is also shown in the Constitution of the United States of America at Article III, Section 3, Clause 1, whereat it states:

"Treason against **the United States,** shall consist only in levying War against **THEM**."

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

10. Before the Fourteenth Amendment, a citizen of the United States was considered to be a citizen of the several States united. However, in the *Slaughterhouse Cases*, the Supreme Court split the two equivalent terms. Thereafter, there was a citizen of the United States and a citizen of the several States (united):

"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 (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 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, 74 (1873).

Since the Fourteenth Amendment and the *Slaughterhouse Cases*, there is a citizen of the United States, who is not a citizen of the several States (united) and a citizen of the several States (united) who is not a citizen of the United States. **[Footnote 3]**

The phrase "citizens of the several States" was used before the Fourteenth Amendment. It had a different meaning then, that being the citizens of each particular State, taken together. For example, see Justice Curtis dissenting opinion

in the case of *Dred Scott*. 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***." 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; John W. Brockenbrough, Counsellor at Law, (Philadelphia: James Kay, Jun & Brother); 1837, page 390 thru 391; "Prentiss, Trustee v. Barton's Executors".

http://books.google.com/books?id=mjK3AAAAIAAJ&pg=PA390#v=onepage&q&f=false

Now, however, it means citizens of all the several States, generally, or citizens of the several States united. For clarity, the author uses the term "a citizen of the several States" rather than "citizens of the several States" to denote one who is a citizen of all the several States, generally, or a citizen of the several States united. This is done indirectly in *Harris v. Balk* (198 U.S. 215, 1905):

"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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Cite as: "Getting a Passport as a citizen of a State under Article IV, Section 2, Clause 1 of the Constitution of the United States of America" Dan Goodman, at the Minuteman Page (http://mhkeehn.tripod.com)

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