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, More

On August 18, 1856, Congress passed "An act to regulate the diplomatic and consular system of the United States." At Section 23, it stated that the Secretary of State of the United States was authorized "to grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify any such passport; nor shall any passport be granted or issued to, or verified for, any other persons than citizens of the United States."

http://books.google.com/books?id=mUkMAAAAYAAJ&pg=PA60#v=onepage&q&f=false

On March 3, 1863, Congress passed "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirty, eighteen hundred and sixty-four, and for the Year ending the 30[th] of June, 1863, and for other Purposes." At Section 23, it states:

"And be it further enacted, That so much of the act approved the eighteenth of August, eighteen hundred and fifty-six, entitled 'An act to regulate the diplomatic and consular systems of the United States,' as prohibits the granting of passports to any other than citizens of the United States, shall be, and is hereby repealed, so far as that prohibition may embrace any class of persons liable to military duty by the laws of the United States."

http://books.google.com/books?id=aK1DAAAAcAAJ&pg=PA754#v=onepage&q&f=false

On May 30, 1866, Congress passed "An act to repeal Section twenty-three of Chapter seventy-nine of the Acts of the Third Session of the Thirty-Seventh Congress, relating to Passports. Containing only one section, it reads:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-three of an act entitled 'An act

making appropriations for sundry civil expenses of the government for the year ending June thirty, eighteen hundred and sixty-four, and for the year ending thirtieth June, eighteen hundred and sixty-three, and for other purposes,' be, and the same is hereby repealed. And hereafter passports shall be issued only to citizens of the United States."

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The last sentence, in combination with the Act of August 18, 1856, at Section 23 became Section 4076 of the Revised Statutes:

"Section 4076 (Revised Statutes). No passport shall be granted or issued to or verified for any other persons than citizens of the United States. Act of May 30, 1866, ch. 102, 14 Stat. L. 54."

http://books.google.com/books?id=cNw4AAAAIAAJ&pg=PA407#v=onepage&q&f=false

On June 14, 1902, Congress passed "An Act To amend sections four thousand and seventy-six, four thousand and seventy-eight, and four thousand and seventy-five of the Revised Statutes." At Section 2 it states:

"That section four thousand and seventy-six of the Revised Statutes is hereby amended so as to read as follows: 'No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.'

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From the year 1866 to the year 1902, no passport could be granted or issued to or verified for any person but a citizen of the United States.

The Fourteenth Amendment went into effect on July 28, 1868 **[Footnote 1]**. Before the Fourteenth Amendment, a citizen of a State was also a citizen of the United States:

"The defendant in error is alleged in the proceedings to be a citizen of the United States, naturalized in Louisiana, and residing there. This is equivalent to an averment that he is a citizen of that state." Gassies v. Ballon: 31 U.S. (Peters 6) 761,762 (1832).

http://books.google.com/books?id=ES43AAAAIAAJ&pg=RA1-PA762#v=onepage&q&f=false

"This cause has been heard on demurrer to the bill, which alleges, in substance, that the defendant was born prior to April 6, 1841, at Fishmoyne, in the parish of Down and Inch, and county of Tipperary, Ireland, and was an alien; that he remained there till 18(6)2, when he came to this country, and arrived at New York about May 13th of that year, when over 18 and about 20 years old (Note: 1841 + 20 = 1861, thus 1862, not 1882); that on ***October 22, 1867***, without having made any declaration of intention to become a citizen of the United States, he presented a petition for naturalization to the superior court of the city of New York, . . . that thereupon the required oaths were taken, and a certificate in due form was issued. . . .

. . . But, whatever the fact was, the administration of the oaths and issuing of the certificate showed the satisfaction of the court as to the requirements, constituting a judgment of admission to citizenship, with the force of such a judgment upon the status of the applicant. . . .

The defendant became a citizen of the state of New York, **AS WELL AS** of the United States." United States v. Gleason: 78 F. Rep. 396 (1897).

http://books.google.com/books?id=1ZoKAAAAYAAJ&pg=RA1-PA396#v=onepage&q=&f=false

And:

"On the 1st of February [1861], a convention, called without authority, but subsequently sanctioned by the legislature regularly elected, adopted an ordinance to dissolve the union between the State of Texas and the other States under the Constitution of the United States, whereby Texas was declared to be 'a separate and sovereign State,' and 'her people and citizens' to be 'absolved from all allegiance to the United States, or the government thereof.'

It was ordered by a vote of the convention and by an act of the legislature, that this ordinance should be submitted to the people, for approval or disapproval, on the 23rd of February, 1861.

Without awaiting, however, the decision thus invoked, the convention, on the 4th of February, adopted a resolution designating seven delegates to represent the State in the convention of seceding States at Montgomery, 'in order,' as the resolution declared, 'that the wishes and interests of the people of Texas may be consulted in reference to the constitution and provisional government that may be established by said convention.'

Before the passage of this resolution the convention had appointed a committee of public safety, and adopted an ordinance giving authority to that committee to take measures for obtaining possession of the property of the United States in Texas, and for removing the National troops from her limits. The members of the

committee, and all officers and agents appointed or employed by it, were sworn to secrecy and to allegiance to the State. Commissioners were at once appointed, with instructions to repair to the headquarters of General Twiggs, then representing the United States in command of the department, and to make the demands necessary for the accomplishment of the purposes of the committee. A military force was organized in support of these demands, and an arrangement was effected with the commanding general, by which the United States troops were engaged to leave the State, and the forts and all the public property, not necessary to the removal of the troops, were surrendered to the commissioners.

These transactions took place between the 2d and the 18th of February, and it was under these circumstances that the vote upon the ratification or rejection of the ordinance of secession was taken on the 23d of February. It was ratified by a majority of the voters of the State.

The convention, which had adjourned before the vote was taken, reassembled on the 2d of March, and instructed the delegates already sent to the Congress of the seceding States, to apply for admission into the confederation, and to give the adhesion of Texas to its provisional constitution.

It proceeded, also, to make the changes in the State constitution which this adhesion made necessary. The words 'United States,' were stricken out wherever they occurred, and the words 'Confederate States' substituted; and the members of the legislature, and all officers of the State, were required by the new constitution to take an oath of fidelity to the constitution and laws of the new confederacy.

Before, indeed, these changes in the constitution had been completed, the officers of the State had been required to appear before the committee and take an oath of allegiance to the Confederate States.

The governor and secretary of state, refusing to comply, were summarily ejected from office.

The members of the legislature, which had also adjourned and reassembled on the 18th of March, were more compliant. They took the oath, and proceeded on the 8th of April to provide by law for the choice of electors of president and vice-president of the Confederate States.

The representatives of the State in the Congress of the United States were withdrawn, and as soon as the seceded States became organized under a constitution, Texas sent senators and representatives to the Confederate Congress.

In all respects, so far as the object could be accomplished by ordinances of the convention, by acts of the legislature, and by votes of the citizens, the relations of Texas to the Union were broken up, and new relations to a new government were established for them.

The position thus assumed could only be maintained by arms, and Texas accordingly took part, with the other Confederate States, in the war of the rebellion, which these events made inevitable. During the whole of that war there was no governor, or judge, or any other State officer in Texas, who recognized the National authority. Nor was any officer of the United States permitted to exercise any authority whatever under the National government within the limits of the State, except under the immediate protection of the National military forces.

Did Texas, in consequences of these acts, cease to be a State? Or, if not, did the State cease to be a member of the Union? . . . .

When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guaranties of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution, or though consent of the States.

Considered therefore as transactions under the Constitution, the ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. ***The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union***. If this were otherwise, the State must have become foreign, and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest and subjugation." Texas v. White: 74 U.S. (Wall. 7) 700, 722 thru 726 (1868).

http://books.google.com/books?id=MfY7AAAAIAAJ&pg=PA722#v=onepage&q&f=false

"Sec. 2. And be it further enacted, That all ***naturalized citizens of the United States***, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to ***native-born citizens*** in like situations and circumstances.

Sec. 3. And be it further enacted, That whenever it shall be made known to the President that any ***citizen of the United States*** has been unjustly deprived of his liberty by or under the authority of any foreign government . . . ." An Act concerning the Rights of American Citizens in foreign States, approved July 27, 1868

or the Expatriation Act of July 27, 1868. **[Footnote 2]**

http://home.earthlink.net/~walterk1/Patr/US/ExpatriationAct.html

After the adoption of the Fourteenth Amendment, a citizen of a State was held to be 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).

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

In addition:

"In the *Slaughter-house cases*, 16 Wall. 36, the subject of the privileges or immunities of citizens of the United States, as distinguished from those of a particular State, was treated by Mr. Justice Miller in delivering the opinion of the court. He stated . . . that ***it was only privileges and immunities of the citizen of the United States that were placed by the [Fourteenth] amendment under the protection of the Federal Constitution, and that the privileges and immunities of a citizen of a State, whatever they might be, were not intended to have any additional protection by the paragraph in question, but they must rest for their security and protection where they have heretofore rested.***" Maxwell v. Dow: 176 U.S. 581, at 587 (1900).

http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA587#v=onepage&q&f=false

And:

". . . 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).

http://books.google.com/books?id=Y7wGAAAAYAAJ&pg=PA406#v=onepage&q&f=false

So now there is a citizen of a State and there is a citizen of the United States **[Footnote 3]**:

"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).

http://books.google.com/books?id=tekGAAAAYAAJ&pg=PA381#v=onepage&q&f=false

However, a citizen of a State is still a citizen of the United States; that is, a citizen of the several States united, for purposes of nationality:

"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 4],** *and by the laws of* **the United States** **[Fn 4]** *they are bound in all matters in which* **the United States ARE** **[Footnote 4]** *sovereign* **[Footnote 5]**; 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).

http://books.google.com/books?id=htIGAAAAYAAJ&pg=PA296#v=onepage&q&f=false

This is also shown in the following provision:

"Whoever, owing allegiance to **the United States** **[Footnote 4]**, levies war against **THEM** **[Fn 4]** or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States." 18 U.S.C. 2381 (2010).

http://www.law.cornell.edu/uscode/718/usc_sec_18_00002381----000-.html

That there is a citizen of the United States and a citizen of the several States (united) is shown by the following case:

"1. Right of transit through the State guaranteed to citizens by constitution.—Under constitutional provisions, both State and Federal, every ***citizen of the United States and of the several States of the Union*** has, as an attribute of personal liberty, the right of free egress from, and transit through the State, unless restrained by due course of law; and this right is subject only to such legislative regulations as

may be imposed by the exercise of the police power of the State, or as may remotely affect it in the legitimate exercise of the power of State taxation." *Syllabus*, Joseph v. Randolph: 45 Ala. 2d. 253, at 253 (1882).

"The question presented for decision is a constitutional one, involving the validity of an act of the General Assembly of this State . . . .

It is insisted, among other things, that the plain intent and natural effect of this statute is to tax, by indirection, the constitutional right of the citizen to have free egress, at all seasonable times, by emigration from the State. If this view be correct, it is clear that the validity of the act can not be sustained.

There can be no denial of the general proposition that every ***citizen of the United States, and every citizen of each State of the Union***, as an attribute of personal liberty, has the right, ordinarily, of free transit from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the clearest implications of the Federal, as well as of the State constitution. It has been said that even in England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on any express statute, but 'it was the birthright of every freeman.' – Cooley's Const. Lim. 342. This right was said by Sir William Blackstone to consist in 'the power of locomotion, of changing situation, or of moving one's person to whatsoever place one's inclination may direct, without imprisonment or restraint, unless by due process of law.' – 1 Bl. Com. 134. For its summary vindication when illegally molested, the writ of habeas corpus had its origin, and was established with magna charta. – Hurd on Habeas Corpus. 143.

This liberty of inter-state transit, thus based on the assertion of personal liberty, is referable to many clauses of the Federal constitution. In *Ward v. Maryland*, 12 Wall. 418, 430 [20 L. Ed. 449], it was classed by Mr. Justice Clifford as ***one of 'the privileges and immunities of the citizens of the several States,' guaranteed to the citizens of each State by Art. IV., Sec. 2 of the constitution of the United States***. In the *Passenger Cases*, 7 How. (U. S.) 283 [12 L. Ed. 702], it was recognized by a majority of the Supreme Court of the United States as a right protected by the commercial clause of the Federal constitution from hostile State legislation, and its existence was admitted by all, and denied by none. Mr. Justice Wayne said that no State had the right 'to tax a foreigner or person for coming into one of the United States.' 'That,' he continued, 'would be a tax or revenue act, in the nature of a regulation of commerce acting upon navigation,' and as such he thought it violative of the Federal constitution. – *Passenger Cases*, 7 How. (U. S.) 420 [12 L. Ed. 702]. In *Crandall v. State of Nevada*, 6 Wall. 35 [18 L. Ed. 744, 745], the entire court concurred in the view, that a capitation tax of one dollar, imposed by the legislature of Nevada upon every person leaving the State, as a passenger by railroad, stage-coach or other mode of conveyance, was unconstitutional and void. The reason was, that it infringed the ***unquestionable right of every citizen (of the United States***) to

have free ingress and egress, to and from and through the States and Territories composing a common general government—a right fully recognized by all the judges as having an undoubted existence, although they differed as to the particular ground upon which it could be rested.—Rorer on Inter-State Law, 315.

The right of every citizen, or person to enjoy free egress from, or transit through the State, is, in our opinion, an undoubted constitutional right." *Opinion*, Joseph v. Randolph: 45 Ala. 2d. 253, at 253, 255 thru 256 (1882). **[Footnote 6]**

http://books.google.com/books?id=egsOAQAAMAAJ&pg=PA253#v=onepage&q&f=false

See also the case *United States v. Wheeler* (254 U.S. 281, 1920).

http://books.google.com/books?id=DuoGAAAAYAAJ&pg=PA281#v=onepage&q&f=false

Before the Fourteenth Amendment, a citizen of the United States 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 7]**, 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.

http://books.google.com/books?id=HO1BAAAAYAAJ&pg=PA364#v=onepage&q=&f=false

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 8]**

A citizen of a State, under Article IV, Section 2, Clause 1, owes 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). **[Footnote 9]**

http://books.google.com/books?id=1FUGAAAAYAAJ&pg=PA33#v=onepage&q&f=false

"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).

http://books.google.com/books?id=zMEGAAAAYAAJ&pg=PA124#v=onepage&q&f=false

A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, is also a citizen of the several States; that is, a citizen of the several States united. As such, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, owes allegiance to the several States united; that is, the United States:

"Whoever, owing allegiance to **the United States [Footnote 4]**, levies war against **THEM [Fn 4]** or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States." 18 U.S.C. 2381 (2010).

http://www.law.cornell.edu/uscode/718/usc_sec_18_00002381----000-.html

22 U.S.C. 212 (2010) states:

"No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States."

http://www.law.cornell.edu/uscode/422/usc_sec_22_00000212----000-.html

The Supreme Court of the United States says this about the word "citizen" used in the Constitution and laws of the United States:

" . . . 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).

http://books.google.com/books?id=c04GAAAAYAAJ&pg=PA690#v=onepage&q&f=false

So the term "citizens" used in 22 U.S.C. 212, refers to both a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, and a citizen of the United States, under Section 1 of the Fourteenth Amendment. **[Footnote 12]**

Thus, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, since the adoption of the Fourteenth Amendment, can get a passport under 22 U.S.C.

212. A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, can because he is now a citizen of the several States united (that is, a citizen of the United States). **[Footnote 12]**

_____

Footnotes:

1. The Fourteenth Amendment was adopted on July 28, 1868:

"The Fourteenth Amendment which was finally adopted July 28, 1868." Holden v. Hardy: 169 U.S. 375, at 382 (1918).

http://books.google.com/books?id=4-sGAAAAYAAJ&pg=PA382#v=onepage&q=&f=false

"On July 28, 1868, the secretary of state proclaimed that the fourteenth article of amendments to the constitution of the United States had been ratified by three-fourths of the states of the Union." United States v. Lackey: 99 F. Rep. 952, at 995 (1900).

http://books.google.com/books?id=Slc4AAAAIAAJ&pg=PA955#v=onepage&q=&f=false

2. The Expatriation Act of July 27, 1868 was passed one day **BEFORE** the ratification of the Fourteenth Amendment. A native born citizen referred to Section 2, therefore, refers to a citizen of a State:

"It appears that the plaintiff in error, though ***a native-born citizen of Louisiana***, was married in the State of Mississippi, while under age, with the consent of her guardian, to a citizen of the latter State, and that their domicile, during the duration of their marriage, was in Mississippi." Conner v. Elliott: 59 U.S. (Howard 18) 591, at 592 (1855).

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

If Section 2 related to a native born citizen of the United States, under the Fourteenth Amendment, then it would have stated so; that is, "the same protection of persons and property that is accorded to native-born citizens ***of the United States*** in like situations and circumstances." An example:

"1. The question asked is whether a person of Chinese descent, born in the Hawaiian Islands, is eligible for enlistment in the Medical Enlisted Reserve Corps.

2. Such a person born in the Hawaiian Islands after their annexation is ***a native born citizen of the United States***, according to ***the Fourteenth Amendment*** to the Constitution." Opinions of the Judge Advocate General of the Army, 1918, Volume II, Page 57, "Territories: Citizenship of Person of Chinese Descent Born in Hawaiian Islands".

http://books.google.com/books?id=UuKgAAAAMAAJ&pg=PA57#v=onepage&q&f=false

However, Section 2 does not state this.

It is to be noted that after the adoption of the Fourteenth Amendment there is still a native born ***citizen of a State***:

"Joseph A. Iasigi, ***a native born citizen of Massachusetts***, was arrested, February 14, 1897, on a warrant issued by one of the city magistrates of the city of New York, as a fugitive from the justice of the State of Massachusetts." Iasigi v. Van De Carr: 166 U.S. 391, at 392 (1897).

http://books.google.com/books?id=xuUGAAAAYAAJ&pg=PA392#v=onepage&q&f=false

Therefore, there is a native born citizen of a State (of the Union) and a native born citizen of the United States. The two are not the same. One is born in a State; the other, born in the United States:

"All persons born . . . in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Section 1, Clause 1 of the Fourteenth Amendment.

"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

"That all persons resident in this state, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights." (Declaration of Rights) Article I, Section 2 Constitution of the State of Alabama of 1875.

Note: This provision is not in the current constitution of the State of Alabama.

http://www.legislature.state.al.us/misc/history/constitutions/1875/1875_1.html

3. A citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment; that is, 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=IEsGAAAAYAAJ&pg=PA165#v=onepage&q&f=false

"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

In such case then there would be a citizen of a State, under Article IV, Section 2, Clause 1 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).

http://books.google.com/books?id=ceIGAAAAYAAJ&pg=PA141#v=onepage&q&f=false

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).

http://books.google.com/books?id=pWhKAAAAYAAJ&pg=PA95#v=onepage&q&f=false

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

5. (*Before the 14th Amendment*)

"The intercourse of this country with foreign nations and its policy in regard to them, are placed by the Constitution of the United States in the hands of the government, and its decisions upon these subjects are obligatory upon every citizen of the Union. He is bound to be at war with the nation against which the war-making power has declared war, and equally bound to commit no act of hostility against a nation with which the government is in amity and friendship. This principle is universally acknowledged by the laws of nations. It lies at the foundation of all government, as there could be no social order or peaceful relations between the citizens of different countries without it. It is, however, more emphatically true in relation to citizens of the United States. *For as the sovereignty resides in the people, every citizen is a portion of it, and is himself personally bound by the laws which the representatives of the sovereignty may pass, or the treaties into which they may enter, within the scope of their delegated authority. And when that authority has plighted its faith to another nation that there shall be peace and friendship between the citizens of the two countries, every* ***citizen of the United States*** *is equally and personally pledged*. The compact is made by the department of the government upon which he himself has agreed to confer the power. It is his own personal compact as a portion of the sovereignty in whose behalf it is made. And he can do no act, nor enter into any agreement to promote or encourage revolt or hostilities against the territories of a country with which our government is pledged by treaty to be at peace, without a breach of his duty as a citizen and the breach of the faith pledged to the foreign nation." Kennett v. Chambers: 55 U.S. 38, 49 thru 50 (1852).

http://books.google.com/books?id=LgAGAAAAYAAJ&pg=PA49#v=onepage&q&f=false

6. This case is cited in the 1887 edition of the *American and English encyclopaedia of Law* at page 709 under the description "Right of Interstate Travel":

http://books.google.com/books?id=K50BAAAAYAAJ&pg=PA709#v=onepage&q&f=false

7. 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).

http://books.google.com/books?id=pWhKAAAAYAAJ&pg=PA95#v=onepage&q&f=false

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 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***."

8. 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).

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

9. There is also the following:

"The nation of the United States was formed by the association together of the sovereign people or inhabitants of the several independent States in America who had, uniting in a common cause and by force of arms, asserted their independence of and dissolved the political bands which had connected them with, Great Britain. Each one of the people thus associated—that is, each inhabitant of the States forming the United States, became a member of the nation established by the association; and immediately every member of the nation owed allegiance to it and was entitled to claim its protection.

In the case of *Minor v. Happersett* (21 Wall., 166) Chief Justice Waite, in delivering the opinion of the Supreme Court, said in relation to this membership that—

"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government. Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more."

Therefore, the members, inhabitants, or citizens of the States became, upon the formation of the nation of the United States of America, members or citizens of that nation, owing to it an allegiance separate and superior to the allegiance due to the State governments under which they were severally residing.

For this allegiance they are entitled, and have a right to expect, to be protected by the nation in all the rights, privileges, and immunities guaranteed to them as citizens under its Constitution, which are the articles of association, and from which the nation derives all of its powers and receives its life.

The ORIGINAL citizens of the United States were those who were members or citizens of the States forming the same at the time the nation was established, and the natural-born citizens of the United States are the descendants of these, and of persons who have become naturalized pursuant to laws enacted by Congress in accordance with the Constitution. Citizens by naturalization enjoy the same rights, privileges, and immunities that are enjoyed by natural-born citizens, with the exception that, under the Constitution, they are not eligible to the offices of President and Vice-President.

Among these rights, are the right of a citizen of one State to pass without molestation into any other State for the purpose of engaging in lawful commerce, trade, or business, or of pursuing pleasure in a lawful manner; to acquire personal property; to take and hold real property; to bring and defend actions in the State courts; and to be exempt from any higher rate of taxes than are imposed by the State upon its own citizens [*Ward v. State of Maryland*, 79 U.S. 418, 430 **[Footnote 10]**] (Constitution U.S., Article IV, Section 2), and from being deprived by the State of life, liberty, or property without due process of law, together with the right to demand the equal protection of the laws of the State (ibid., Article XIV, section1). ....

. . . Allegiance seems to be the term adopted to express in one word all the burdens and obligations of the citizens of a State or nation." The Executive Documents of the House of Representatives for the First Session of the Fifty-Second Congress, Executive Document 1, Part 5, Report of the Commissioner of Indian Affairs, Department of the Interior, Office of Indian Affairs, October 1, 1891, page 22 thru 24. **[See Footnote 11]**

http://books.google.com/books?id=EqA3AQAAIAAJ&pg=PA22#v=onepage&q&f=false

10. A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, was at this time, a citizen of the several States (united):

"Attempt will not be made to define the words 'privileges and immunities,' or to specify the rights which they are intended to secure and protect, beyond what may be necessary to the decision of the case before the court. Beyond doubt those words

are words of very comprehensive meaning, but it will be sufficient to say that the clause plainly and unmistakably secures and protect, the right of a citizen of one State to pass into any other State of the Union for the purpose of engaging in lawful commerce, trade, or business without molestation, to acquire personal property; to take and hold real estate; to maintain actions in the courts of the State; and to be exempt from any higher taxes or excises than are imposed by the State upon its own citizens.

Comprehensive as the power of the States is to lay and collect taxes and excises, it is nevertheless clear, in the judgment of the court, that the power cannot be exercised to any extent in a manner forbidden by the Constitution; and inasmuch as the Constitution provides that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several states, it follows that the defendant might lawfully sell, or offer or expose for sale, within the district described in the indictment, any goods which the permanent residents of the State might sell, or offer or expose for sale in that district, without being subjected to any higher tax or excise than that exacted by law of such permanent residents.

Grant that the States may impose discriminating taxes against the citizens of other States, and it will soon be found that the power conferred upon Congress to regulate interstate commerce is of no value, as the unrestricted power of the States to tax will prove to be more efficacious to promote inequality than any regulations which Congress can pass to preserve the equality of right contemplated by the Constitution among the ***citizens of the several states***." Ward v. State of Maryland: 79 U.S 418, 430-431 (1870).

http://books.google.com/books?id=6X0-AAAAYAAJ&pg=PA430#v=onepage&q&f=false

11. The following is also written:

"**In the States**.—Indians naturalized, either under the general allotment act or any other law, or any treaty of the United States, become not only citizens of the United States, but, under the fourteenth amendment to the Constitution, ***citizens of the States*** in which they severally reside as well. They are, therefore, not only entitled to look to the United States for protection in their rights as citizens, but also to the States in which they reside for protection in the exercise of the privileges guaranteed to them as citizens thereof, which are distinct from those of citizens of the United States." Ibid, at page 23.

http://books.google.com/books?id=EqA3AQAAIAAJ&pg=PA23#v=onepage&q&f=false

The Commissioner, T. J. Morgan, (page 146) makes a mistake. He concludes that a

citizen of a State is the same as a citizen of the several States. This was probably due to reading the Syllabus to the *Slaughterhouse Cases*, which does this.

Specifically it states:

"The first clause of the fourteenth article was primarily intended to confer citizenship on the negro race, and secondly to give definitions of citizenship of the United States and citizenship of ***the States***, and it recognizes the distinction between citizenship of a State and citizenship of the United States by those definitions." Slaughterhouse Cases: 83 U.S. (Wall. 16) 36, at 37 (1873).

http://supreme.justia.com/us/83/36/case.html

It should read:

"The first clause of the fourteenth article was primarily intended to confer citizenship on the negro race, and secondly to give definitions of citizenship of the United States and citizenship of ***a State***, and it recognizes the distinction between citizenship of a State and citizenship of the United States by those definitions."

The mistake is revealed when you read from page 73 of the *Slaughterhouse Cases* opinion. There it states:

"To remove this difficulty primarily, and to establish clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States and also citizenship of ***a State***, the first clause of the first section was framed."

http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA73#v=onepage&q&f=false

A citizen of a State is not the same as a citizen of the several States. 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).

http://books.google.com/books?id=mmkUAAAAYAAJ&pg=PA687#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 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).

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

12. The United States government has a dual role. It has its own citizens, under the Fourteenth Amendment, while also representing the several States united; for foreign affairs, and its citizens. Regarding the latter, there is the following case from the Supreme Court:

"The people of the United States constitute one nation, under one government, and this government, within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence. The States disunited might continue to exist. ***Without the States in union there could be no such political body as the United States***.

Both the States and the United States existed before the Constitution. The people, through that instrument, established a more perfect union by substituting a national

government, acting, with ample power, directly upon the citizens, instead of the Confederate government, which acted with powers, greatly restricted, only upon the States. But in many articles of the Constitution the necessary existence of the States, and, within their proper spheres, the independent authority of the States, is distinctly recognized. To them nearly the whole charge of interior regulation is committed or left; to them and to the people all powers not expressly delegated to the national government are reserved." Lane County v. the State of Oregon: 74 U.S. (Wall. 7) 71, at 76 (1868).

http://books.google.com/books?id=MfY7AAAAIAAJ&pg=PA76#v=onepage&q&f=false

reaffirmed, at White v. State of Texas: 74 U.S. (Wall. 7) 700, at 725 (1868).

http://books.google.com/books?id=MfY7AAAAIAAJ&pg=PA725#v=onepage&q&f=false

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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, More" Dan Goodman, at the Minuteman Page (http://mhkeehn.tripod.com)

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