The Fourteenth Amendment's effects on Citizenship under the Constitution of the United States and under International Law

Before the adoption of the Fourteenth Amendment to the Constitution of the United States of America and the *Slaughterhouse Cases* (1873), one was considered a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, ***as well as*** a citizen of the United States **[Footnote 1]:**

". . . [I]n examining the form of our government, it might be correctly said that there is no such thing as a citizen of the United States. But constant usage – arising from convenience, and perhaps necessity, and dating from the formation of the Confederacy – has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions. " Ex parte Frank Knowles: 5 Cal. 300, at 302 (1855). **[Footnote 2]**

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As a citizen of a State, one was entitled to, under Article IV, Section 2, Clause 1 of the Constitution, to "all privileges and immunities of citizens in the several States." As a citizen of the United States, one was recognized as such by other countries, under the Law of Nations: **[Footnote 4]**

Talbot v. Janson (3 U.S. 133 1795)

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to read case in New English:

http://supreme.justia.com/us/3/133/case.html

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"The act of Congress referred to in the first section of the *act of 11th April, 1799* is repealed and supplied by an act passed *14th April, 1802*, which is incorporated in this note for the purpose of connecting the whole law on the subject.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 8]**, 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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Thus, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, before the adoption of the Fourteenth Amendment and the *Slaughterhouse Cases*, was also a citizen of the several States united, for purposes of international law (law of nations).

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) UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA.: A citizen of the United States was to be found at Section 1 of the Fourteenth Amendment, whereas a citizen of the several States was designated at Article IV, Section 2, Clause 1 of the Constitution.

"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 9]**

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).

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

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And:

"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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A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, after the adoption of the Fourteenth Amendment and the *Slaughterhouse Cases*, is no longer a citizen of the United States, but rather only a citizen of the several States (united) for purposes of international law (law of nations). **[Footnote 10]** A citizen of the United States, under Section 1 of the Fourteenth Amendment, is still recognized under international law (law of nations) as a citizen of the United States.

A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, before the Fourteenth Amendment, is now, after the Fourteenth Amendment, a citizen of a State as well as a citizen of the several States. This was done by the Supreme Court, in the *Slaughterhouse Cases*, so that a citizen of a State, who was recognized under the international law (law of nations) before the adoption of the Fourteenth Amendment, as a citizen of the United States, would now be recognized as a citizen of the several States, after the adoption of the Fourteenth Amendment.

So now there is a citizen of the United States government and a citizen of the several States governments. One can be a citizen of one but not the other. Both are now recognized in the Constitution of the United States of America. Both are to be recognized under international law (law of nations).

Footnotes:

1. "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).

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2. A citizen of a State was recognized as a citizen of the United States, under international law. A citizen of the United States did not exist under the Constitution, but rather was a nationality recognized under international law for one who was a citizen of a State**:**

"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. (Howard 14) 38, 49 thru 50 (1852). **[See Footnote 3]**

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3. The Supreme Court of the United States, by mistake or blunder, in the case of *Dred Scott* referred to one as a citizen of the United States, under Article IV, Section 2, Clause 1 of the Constitution of the United States of America and to one as a citizen of a State, under the constitution of an individual State. The correct observation should have been that one was a citizen of a State, under the Constitution of the United States of America, or one was a citizen of a State, under the constitution of an individual State, the two; of course, not being the same. This was a mistake or blunder because before the case of *Dred Scott*, a citizen of the United States did not exist under the Constitution, but rather was a nationality recognized under international law for one who was a (native) citizen of a State, or a (naturalized) citizen of the United States, though as will be shown, there were others who qualified.

A black slave was recognized as a citizen of the United States, under international law, before the Fourteenth Amendment:

" . . . Leaving aside the broad constitutional principle that the state may impose its citizenship on all those within its sovereignty, there are classes of persons who, while not citizens in constitutional law, are nevertheless subjects of the state or nationals in international law. So for example, the negroes before the Civil War, the American Indians, and natives of the unincorporated insular possessions, are citizens of the United States in international law, though not constitutionally citizens." The Diplomatic Protection of Citizens Abroad or The Law of International Claims; Edwin M. Borchard; (New York: The Banks Law Publishing Co.); 1915, page 20.

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Thus, the Supreme Court of the United States error in describing one under Article IV, Section 2, Clause 1 as a citizen of the United States, as such term was used in international law. And, that there was no such citizen under the Constitution of the United States of America.

4. Before the adoption of the Constitution of the United States of America, the several States, then called different States, were each a ***sovereign and independent*** nation. When the Constitution of the United States of America was adopted, the several States, now called individual States, surrendered a part of their sovereignty to the Congress of the United States. Because of this transfer of power, the several States are no longer independent nations but members of a Union **[Footnote 5]**, with (retained) sovereign powers; for example, the power to declare who are its citizens **[Footnote 6]**, but not a nation under the Law of Nations. **[Footnote 7]** One, because of this transfer of power, became a citizen of a State, under the Constitution of the United States of America, and a citizen of the United States, under the Law of Nations.

5. In *Pennoyer v. Neff* (95 U.S. 714, at 722 [1878]), it states:

"***The several States of the Union are not , it is true, in every respect independent***, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States." *Overruled, on other grounds*.

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6. "If the United States may control the conduct of its citizens upon the high seas, we see no reason why the State of Florida may not likewise govern the conduct of its citizens upon the high seas with respect to matters in which the State has a legitimate interest and where there is no conflict with acts of Congress. ***Save for the powers committed by the Constitution to the Union, the State of Florida has retained the status of a sovereign***" Skiriotes v. State of Florida: 313 U.S. 69, at 77 (1941).

http://scholar.google.com/scholar_case?case=9757650854292938204

"In applying the dual sovereignty doctrine, then, the crucial determination is whether the two entities that seek successively to prosecute a defendant for the same course of conduct can be termed separate sovereigns. . . . Thus, ***the Court has uniformly held that the States are separate sovereigns with respect to the Federal Government.*** . . . .

The States are no less sovereign with respect to each other than they are with respect to the Federal Government. The powers to undertake criminal prosecutions derive from separate and independent sources of power and authority originally belonging to them before admission to the Union and preserved to them by the Tenth Amendment." Heath v State of Alabama: 474 U.S. 82, at 88 thru 89 (1985).

http://scholar.google.com/scholar_case?case=13502780088763338920

On the power of an individual State to declare who are its citizens, refer to my work "Yes a State can declare who are its citizens" (online).

7. "Every nation that governs itself, under what form soever, without dependence on any foreign power, is a *Sovereign State*, Its rights are naturally the same as those of any other state. Such are the moral persons who live together in a natural society, subject to the law of nations. To give a nation a right to make an immediate figure in this grand society, it is sufficient that it be really ***sovereign and independent***, that is, that it govern itself by its own authority and laws." § 4, Chap. 1, Book 1, "Of Nations Considered in Themselves" Vattel.

http://constitution.org/vattel/vattel_01.htm

8. The term "the United States", as used herein, 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**."

And at Article III, Section 3, Clause 1, whereat it reads:

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

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

This is also shown in the following provision:

"Whoever, owing allegiance to **the United States**, levies war against **THEM** 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

9. 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 in the Constitution of the United States of America:

"(2) In *Cooper v. Galbraith*, No. 3193, 6 Fed. Cas. 473, Mr. Justice Washington said:

> 'Citizenship, when spoken of in the Constitution in reference to the jurisdiction of the courts of the United States, means nothing more than residence. The citizens of each state are entitled to all the privileges and immunities of citizens in the several states; but to give jurisdiction to the court of the United States, the suit must be between citizens residing in difference states, or between a citizen and an alien.'

Of course, the residence here spoken of means permanent residence animo manendi. This appears from his language used in *Butler v. Farnsworth*, No. 2240, 4 Fed. Cas. 902, wherein he says:

> 'In order to give jurisdiction to the courts of the United States, the citizenship of the party must be founded on a change of domicile and permanent residence in the state to which he may have removed from another state. Mere residence is prima facie evidence of such change, although, when it is explained and shown to have been temporary purposes, the presumption is destroyed.'

Further discussing the question here involved, the learned Justice says:

> 'With respect to the immunities which the rights of citizenship can confer, the citizen of one state is to be considered as a citizen of each and every other state in the Union. {See *Note a*} But the privilege of suing in the tribunals of the nation cannot possibly depend upon the fact of GENERAL CITIZENSHIP {See *Note b*}, because, if it did, the jurisdiction of those tribunals would extend to every case where citizens were parties, since a citizen of Pennsylvania, suing a citizen of the same state, might truly allege that he is himself a citizen of any other state, and that the defendant is a citizen of the state in which the suit is brought. Or every case, in which citizens are parties, might, by the same course of argument be excluded, since, it being equally true that a citizen of New Jersey, who is plaintiff, is also a citizen of Pennsylvania, the Pennsylvania defendant might plead that the plaintiff and defendant are citizens of the same state. It is plain, therefore, that citizenship, in relation to the federal judiciary, cannot be that which has just been referred to, but must be of that kind which identifies the party with some particular state, of which he is a member. The theory of this provision in the Constitution is the danger of partiality in the state tribunals, where the suit is between a member of the political family, where the suit is instituted, and a stranger. ***Citizens, in reference to federal jurisdiction, are mentioned as in opposition to each other. It is a citizen of one state, and a citizen of another state*** in which the suit is brought, which can never be explained by a GENERAL CITIZENSHIP, which confounds all distinction, and admits of no opposition. The only rational construction of the Constitution, in relation to federal jurisdiction, is to limit it to cases where the suit is between the resident citizens of different states, or where an alien is a party.' " Hammerstein v. Lyne: 200 F. Rep. 165, 168 thru 169 (1912). {See *Note c*}

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

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

It did not state:

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

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

One was a citizen "of " the several states, before the Fourteenth Amendment, in the sense that he or she was eligible to be a citizen in all the States of the Union, under Article IV, Section 2, Clause 1 of the Constitution. So a citizen of the several States did not exist before the Fourteenth Amendment.

In addition [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; (1837) John W. Brockenbrough, Counsellor at Law, Philadelphia: James Kay, Jun & Brother, page 390 thru 391; "Prentiss, Trustee v. Barton's Executors".

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"The object of the convention in introducing this clause into the constitution, was to invest the citizens of the different states with the general rights of citizenship; that they should not be foreigners, but citizens. To go thus far was essentially necessary to the very existence of a federate government, and in reality was no more than had been provided for by the first confederation in the fourth article. . . .

The expressions, however, of the fourth article convey no such idea. It does not declare that 'the citizens of each state shall be entitled to all privileges and immunities of the citizens **OF** the several states.' Had such been the language of the constitution, it might, with more plausibility, have been contended that this act of assembly was in violation of it; but such are not the expressions of the article; it only says that 'The citizens of the several states shall be entitled to all privileges and immunities of citizens **IN** the several states.' Thereby designing to give them

the rights of citizenship, and not to put all the citizens of the United States upon a level." Campbell v. Morris: 3 Mary. Rep. 535, at 565 [*Opinion of Chase, J. and Duvall, J.* p. 561] Md. (1797); 3 Harr. & McH., 535 Md. 1797.

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Note b: A citizen of the several States is a citizen of every State of the Union. This citizenship is a "general citizenship" as stated in *Cole v. Cunningham*. A citizen of the United States, is not a citizen of a State. A citizen of the United States can become also a citizen of a State by residing in a State of the Union; that is, a citizen of the United States AND a citizen of a State. A citizen of the United States is also not a citizen of the several States. *Slaughterhouse Cases*.

Note c: In this case, the court was not aware of *Cole v. Cunningham (133 U.S. 107, at 113 thru 114 1890)* and *Hodges v. United States (203 U.S. 1, at 15, 1906)*, for if it was, the court would have concluded that Felice Lyne, the defendant, was a citizen of the several States, *Hilton v. Guyot* (159 U.S. 113 1895), and not a citizen of the United States.

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

(*Note*: In this case, a citizen of another State was suing a citizen of a State. Not a citizen of the United States suing a citizen of a State:

"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*, Steigleider 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*, Steigleider v. McQuesten: 198 U.S. 141, at 142 (1905).

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

A citizen of another State is not the same as a citizen of the United States:

"As to who are citizens of the State. The Fourteenth Amendment to the Constitution of the United States provides that –

> 'All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.'

Therefore when a person who is a ***citizen of the United States*** by birth or naturalization, comes to this State and resides here he is a citizen of this State. . . .

Where a ***citizen of another State*** comes to this State and resides in some town for a temporary purpose, though such stay be protracted, he does not thereby become a citizen of this State. *Easterly v. Goodwin*, 35 Conn., 286.

With such a person, his residence here must be in the sense of making it a home which he has no present intention of abandoning. I think that it must be a domiciliary residence." The Residence of a Male Citizen, Opinions of the Attorney-General; State of Connecticut; Hartford, February 1, 1909; Report of the Tax Commissioner for Biennial Period 1909 and 1910, pages 52 thru 53.

http://books.google.com/books?id=Eb9JAAAAMAAJ&pg=PA52#v=onepage&q&f=false

" . . . No question of interstate commerce is involved in such case which militates against the exercise by the state of its power of taxation. ***Neither, in that event, is a citizen of another state deprived of any of the immunities or privileges of a citizen of this state, nor is the state attempting to make or enforce a law which abridges the rights of a citizen of the United States***. . . . A statute of Washington taxing live stock brought into that state to graze was upheld in all respects, but the question was apparently not presented, nor was it discussed in the opinion of the court whether any provision of the federal constitution was infringed upon. *Wright v. Stinson* (Wash.) 47 Pac. 761." Kelley v. Rhoads: 51 Pac Rep 573, at 596 (1898).

http://books.google.com/books?id=6wsLAAAAYAAJ&pg=PA596#v=onepage&q&f=false

"2. As applied to ***a citizen of another State, or to a citizen of the United States*** residing in another State, a state law forbidding sale of convict-made goods does not violate the privileges and immunities clause of Art. IV, § 2 and the [privileges or immunities clause of the] Fourteenth Amendment of the Federal Constitution, if it applies also and equally to the citizens of the State that enacted it. P. 437." *Syllabus*, Whitfield v. State of Ohio: 297 U.S. 431 (1936).

"1. The court below proceeded upon the assumption that petitioner was a citizen of the United States; and his status in that regard is not questioned. The effect of the privileges [~~and~~] or immunities clause of the Fourteenth Amendment, as applied to the facts of the present case, is to deny the power of Ohio to impose restraints upon ***citizens of the United States*** resident in Alabama in respect of the disposition of goods within Ohio, if like restraints are not imposed upon citizens resident in Ohio. The effect of the similar clause found in the Fourth Article of the Constitution, as applied to these facts, would be the same, since that clause is directed against discrimination by a state in favor of its own citizens and against the ***citizens of other states***. *Slaughter-House Cases*, 16 Wall. 36, 1 Woods 21, 28; *Bradwell v. State*, 16 Wall. 130, 138." *Opinion*, Whitfield v. State of Ohio: 297 U.S. 431, at 437 (1936).

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

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

Refer to my work "Yes there is a citizen of another State", (online) for more legal authority.)

10. Refer to my work "A Citizen of a State is a Citizen of the several States when abroad" (online).

From the "United States Naval Institute Proceedings", Volume 45, No. 7, July 1919, at page 1790 thru 1791 there is the following:

http://books.google.com/books?id=kEELP3wiHvAC&pg=PA1790#v=onepage&q&f=false

"Merchant Marine . . .

The ***nationality*** of those shipped as officers (excluding masters) and men (counting repeated shipments) before United States Shipping Commissioners, as returned to the Bureau of Navigation, Department of Commerce, was as follows for 1914 and 1919:

Nationality	1914	1919
Others	11,442	38,811

Those classed as "others" are mainly from the countries of South America, ***citizens of the several states*** which have been created by the war, and Swiss shipping as stewards.—*U.S. Bulletin, 9/8*."

This report of the **Nationality of Crews** can be seen for the years 1907 through 1922, inclusive, at these links:

http://books.google.com/books?id=8y0pAAAAYAAJ&pg=PA38#v=onepage&q&f=false

http://books.google.com/books?id=oC4pAAAAYAAJ&pg=PA14#v=onepage&q&f=false
(on page 15)

As can be seen "Others" appears in all of them under Nationality.

Further readings (online), mine

1. "Yes it is true, there are two citizens", Dan Goodman, 2012.

2. "See for yourself, A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution", Dan Goodman, 2012.

3. "See for yourself, Two citizens in the country of the United States"; Dan Goodman, 2012.

4. "Rule of International Law: Two citizens in the country of the United States", Dan Goodman, 2010.

5. "Shall be entitled to all Privileges and Immunities of citizens IN and OF the several States". Dan Goodman, 2010.

6. "A Citizen of a State is a Citizen of the several States when abroad", Dan Goodman, 2012.