Yes, there were four citizens

before the Fourteenth Amendment

Before the Fourteenth Amendment, there were two citizens; one was a citizen of a State, born in the United States of America (a native citizen); the other was a citizen of the United States, born in a foreign country (a naturalized citizen). A citizen of a State was also a citizen of the United States (under international law, or law of nations) **[Footnote 1]**; and a citizen of the United States was also a citizen of a State (when residing in a State) **[Footnote 2]**. The only difference between them was that a citizen of a State could become President of the United States of America, whereas a citizen of the United States could not become President of the United States of America:

"A naturalized citizen is indeed made a citizen under act of Congress, but the act does not proceed to give, to regulate, or to prescribed his capacities. He becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing on a native. . . . He is distinguishable in nothing from a native citizen, except so far as the constitution makes the distinction. Obsorn v. Bank of United States: (opinion delivered by Chief Justice Marshall) 22 U.S. (Wheat. 9) 738, at 827 thru 828 (1924). **[Footnote 3]**

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"No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President." Article II, Section 1, Clause 5 Constitution of the United States of America.

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

There were (and still are) two more citizens before the Fourteenth Amendment. One was a citizen who a State naturalized according to the particular State's own rules for naturalization, as opposed to the rule of naturalization established by Congress. Such a person was a citizen of a State, under the constitution of the individual State, and not a citizen of a State under the Constitution of the United States of America, at Article IV, Section 2, Clause 1 (or Section 1 of the Fourteenth Amendment):

" . . . [W]e must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does

not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the Constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character of course was confined to the boundaries of the State, and gave him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States. **[Footnote 4]** . . . The Constitution has conferred on Congress the right to establish an uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be so. Consequently, no State, since the adoption of the Constitution, can by naturalizing an alien invest him with the rights and privileges secured to a citizen of a State under the Federal Government, although, so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the rights and immunities which the Constitution and laws of the State attached to that character. **[Footnote 5]**" Dred Scott v. Sanford: 60 U.S. (Howard 19) 393, at 405 thru 406 (1856).

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The other citizen was a citizen of a State naturalized in a state court according to the rule of naturalization established by Congress. Such a person was a (naturalized) citizen of a State under Article IV, Section 2, Clause 1 of the Constitution of the United States of America:

"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

(*Note*: the Fourteenth Amendment was proclaimed in effect on ***July 28, 1868***.)

Footnotes:

1. "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).

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2. "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

3. "A naturalized citizen of the United States or a native citizen of any other state of the union, domiciled in Virginia, being entitled to all the privileges of a citizen of this state, is a citizen." *Syllabus*, Commonwealth v. Towles: 5 Leigh 743, at 743 (1835).

"In the case of a naturalized alien, as well as in the case of an individual born out of this commonwealth in some other of the United States, the privileges and immunities of citizenship, implied in naturalization, and expressly declared in the constitution, must be complete under the federal laws, -- without requiring any aid, or admitting the interference, of any state law. . . . It is obvious, that the privileges and immunities of the naturalized citizen, and the native citizen of North Carolina, would be both equally entitled to them, whatever they are, in the state of Virginia." *Opinion*, Commonwealth v. Towles: 5 Leigh 743, at 748 thru 749 (1835).

http://books.google.com/books?id=aZ4UAAAAYAAJ&pg=PA277#v=onepage&q&f=false

4. Not so. In the Articles of Confederation at Article IV, it states:

"The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States."

http://www.usconstitution.net/articles.html

In the *Slaughterhouse Cases*, the Court writes:

"The first occurrence of the words 'privileges and immunities' in our constitutional history, is to be found in the fourth of the articles of the old Confederation.

It declares 'that the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free

inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively."

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

There can be but little question that the purpose of both these provisions is the same, and that the privileges and immunities intended are the same in each. In the article of the Confederation we have some of these specifically mentioned, and enough perhaps to give some general idea of the class of civil rights meant by the phrase." Slaughterhouse Cases: 83 U.S. (Wall. 16) 36, at 75 (1873).

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

"Free inhabitants" referred to both citizens and foreigners as the several States, before the adoption of the Constitution, had the power to naturalize foreigners. The Continental Congress did not.

5. Not so:

"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***, 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

The courts of the several States had the power to naturalized foreigners, according to the rule of naturalization established by the Congress. It is to be noted that the **POWER** of naturalization remained with the several States after the adoption of the Constitution of the United States of America, that it was the **RULE** of naturalization that was transferred from the several States to the United States under the Constitution.

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