

# Blunders of the Supreme Court of the United States

## Part 7

©2011 Dan Goodman

This work is the seventh in a series of articles the author has written on blunders made by the Supreme Court of the United States. Originally, he decided to write on only two mistakes made by the Supreme Court of the United States. However, the author reconsidered after writing about the third blunder of the Supreme Court of the United States, to not place any limit on the number of blunders he finds with the Supreme Court of the United States.

The seventh blunder of the Supreme Court of the United States is in the case of the *Slaughterhouse Cases* (83 U.S. (Wall. 16) 36, 1873). The blunder occurs at page 74, wherein, it is written:

“To remove this difficulty primarily, and to establish a 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.

‘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.’ ...

The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established.

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, but it is only necessary that he should be born or naturalized in the United States to be a ***citizen of the Union.***”

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

The blunder made is that one born or naturalized in the United States, under Section 1 of the Fourteenth Amendment, is a citizen of the Union.

Such is not the case. Section 1, Clause 1 of the Fourteenth Amendment provides:

“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.”

[http://www.archives.gov/exhibits/charters/constitution\\_amendments\\_11-27.html#14](http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html#14)

It does not state:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are ***citizens of the Union*** and of the States wherein they reside.”

Therefore, the last paragraph quoted from this case should be:

“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, but it is only necessary that he should be born or naturalized in the United States to be a ***citizen of the United States.***”

The terms “United States” and “Union” are used in different senses in the Organic Constitution of the United States of America. The term, Union, is used in the Organic Constitution to mean the several States (united); that is, the members which constitute such Union:

“Representatives and direct Taxes shall be apportioned among the several States which may be included within this ***Union.***” Article 1, Section 2, Clause 3 Constitution of the United States of America.

“New States may be admitted by the Congress into this ***Union*** but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.” Article IV, Section 3, Clause 1 Constitution of the United States of America.

“The United States shall guarantee to every State in this ***Union*** a Republican Form of Government.” Article IV, Section 4 Constitution of the United States of America.

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

The term, United States, is used in the Organic Constitution to mean the several States (united), and the District of Columbia:

“This Constitution, and the ***Laws of the United States*** which shall be made in

Pursuance thereof; . . . shall be the supreme Law of the Land.” Article VI, Section 2 Constitution of the United States of America.

“The Congress shall have Power to provide for calling forth the Militia [of the several States] **[Footnote 1]** to execute *the Laws of the Union*, suppress Insurrections and repel Invasions.” Article I, Section 8, Clause 15 Constitution of the United States of America.

“The Congress shall have Power to *exercise exclusive Legislation* in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” **[Footnote 2]**

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

The term, Union, does not appear in the Subsequent Amendments (11 through 27) to the Constitution of the United States of America. However, the term, United States does. The term, United States, took on a new constitutional meaning with the adoption of the Fourteenth Amendment.

Again, Section 1, Clause 1 of the Fourteenth Amendment provides:

“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.”

However, Section 1 of the Thirteenth Amendment reads:

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the *United States*, or any place subject to **THEIR** jurisdiction.” **[Footnote 3]**

[http://www.archives.gov/exhibits/charters/constitution\\_amendments\\_11-27.html#13](http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html#13)

Note that Section 1, Clause 1 of the Fourteenth Amendment does not state:

“All persons born or naturalized in the *United States*, and subject to **THEIR** jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

Therefore, the term United States does not mean the several States (united) and

the District of Columbia. It means the District of Columbia, the territories and possessions of the United States, and federal enclaves within the several States of the Union. [Footnote 4]

Thus, a citizen under Section 1, Clause 1 of the Fourteenth Amendment, is a citizen of the United States and not a citizen of the Union.

---

**Footnotes:**

**1.** Article II, Section 2, Clause 1 *Constitution of the United States of America:*

“The President shall be Commander in Chief of the Army and Navy of the United States, and of the ***Militia of the several States***, when called into the actual Service of the United States.”

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

**2.** It is to be noted that the Organic Constitution does not use the word Law(s) in reference to the territories and possessions of the United States, or in reference to the military forces of the United States:

“The Congress shall have Power to dispose of and make all needful ***Rules and Regulations*** respecting the Territory or other Property belonging to the United States.” Article III, Section 3 Constitution of the United States of America.

“The Congress shall have Power to make Rules for the Government and ***Regulation*** of the land and naval Forces.” Article I, Section 8, Clause 14 Constitution of the United States of America.

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

**3.** And there are these provisions from the Organic Constitution:

“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***.” Article II, Section 1, Clause 7 of the Constitution of the United States of America.

“Treason against the ***United States***, shall consist only in levying War against **THEM.**” Article III, Section 3, Clause 1 of the Constitution of the United States of America.

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

4. See my work “Blunders of the Supreme Court of the United States, Part 3”; where I show that the political jurisdiction (complete jurisdiction) of the United States extends only to the District of Columbia, the territories and possessions of the United States, and federal enclaves within the several States of the Union.