

# Yes there is a citizen of a State

©2010 Dan Goodman

Before the Fourteenth Amendment, there was only a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution of the United States of America. **[Footnote 1]** Such a citizen was also a citizen of the United States, under the law of nations (international law). **[Footnote 2]**

However, in the *Slaughterhouse Cases* (1873), the Supreme Court decided that because of the Fourteenth Amendment, citizenship of a State was to be separate and distinct from citizenship of the United States. A citizen of a State was to be considered as separate and distinct from a citizen of the United States. **[Footnote 3]**

One can be a citizen of the United States and not a citizen of a State:

"... 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 (16 Wall.) 36, at 74 (1873).

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

And, one can be a citizen of a State and not a citizen of the United States:

"The act was considered in *Johnson v. United States*, 160 U.S. 546, and we there held that a person who was not a citizen of the United States at the time of an alleged appropriation of his property by a tribe of Indians was not entitled to maintain an action in the Court of Claims under the act in question. There was not in that case, however, any assertion that the claimant was a citizen of a State as distinguished from a citizen of the United States. ... [U]ndoubtedly in a purely technical and abstract sense citizenship of one of the States may not include citizenship of the United States ... Unquestionably, in the general and common acceptation, ***a citizen of the State is considered as synonymous with citizen of the United States, and the one is therefore treated as expressive of the other. This flows from the fact that the one is normally and usually the other, and where such is not the case, it is purely exceptional and uncommon.***" *United States v. Northwestern Express, Stage & Transportation Company*: 164 U.S. 686, 688 (1897).

<http://books.google.com/books?id=xOQGAAAAYAAJ&pg=PA688#v=onepage&q=&f=false>

“And all that the Supreme Court decided in the *Slaughter-house Cases*, was that the United States by force of the Fourteenth Amendment was not clothed with authority to enforce the rights common to all men but those only peculiar to citizenship.

The right to vote is not the common right of all persons resident in Virginia. It is not the right of all citizens of Virginia, *per se*, because ***a person might be a citizen of Virginia who is not a citizen of the United States***, and the Constitution of the State confers the right to vote upon citizens of the United States solely.” (*Opinion of Judge Bond*) United States v. Petersburg Judges of Election: 1 Hughes 493, at 500 (1877).

<http://books.google.com/books?id=6ClFAAAAYAAJ&pg=PA500#v=onepage&q&f=false>

***“A person who is a citizen of the United States is necessarily a citizen of the particular state in which he resides. But a person may be a citizen of a particular state and not a citizen of the United States.*** To hold otherwise would be to deny to the state the highest exercise of its sovereignty – the right to declare who are its citizens. . . . Electoral right is a political right; and, although the right to vote is primarily the right of every citizen, yet it may be denied to a certain class of individuals. Therefore a person may be a citizen of the state, and may not be invested with electoral power.” State of Louisiana v. Fowler: 6 S. 602; 41 La. Ann. 380 (1889).

<http://books.google.com/books?id=PIA7AAAAIAAJ&pg=PA602#v=onepage&q&f=false>

***“Under the Fourteenth Amendment all persons born or naturalized in the United States are citizens of the United States and of the state in which they reside, but we find nothing . . . which requires that a citizen of a state must be a citizen of the United States.***

Absent any unconstitutional discrimination, a state has the right to extent qualification for state office to its citizens, even though they are not citizens of the United States.” Crosse v. Board of Supervisory of Election of Baltimore City: 243 Md. 555, 562; 221 A.2d 431, 436 (1966).

[http://scholar.google.com/scholar\\_case?case=15030024530808914170](http://scholar.google.com/scholar_case?case=15030024530808914170)

And there is this:

“As a man may be a citizen of a State without being a citizen of the United States, and as Section 1428, Revised Statutes, requires all officers of all United States vessels to be citizens of the United States, all officers of the Naval Militia must be male citizens of the United States as well as of the respective States, Territories, of the District of Columbia, of more than 18 and less than 45 years of age.” General Orders of Navy Department (Series of 1913); Orders remaining in force up to

January 29, 1918; **General Order No. 153**, Page 17, Para 73.

<http://books.google.com/books?id=zYEtAAAAAYAAJ&pg=PA17#v=onepage&q&f=false>

So there is a citizen of a State and also a citizen of the United States:

“... The defendant is not **a citizen of the United States nor of the state of Indiana**. ...

The defendant, therefore, has no right of removal on the ground of diversity of citizenship between herself and the plaintiff, for the reason that she is **not a citizen either of the United States or of any state of the Union**.” Paul v. Chilsoquie: 70 F. Rep. 401, at 402 (1895).

<http://books.google.com/books?id=1JoKAAAAAYAAJ&pg=RA1-PA402#v=onepage&q=&f=false>

“No person who is capable of inheriting shall be deprived of the inheritance by reason of any of his ancestors having been aliens. Aliens may hold, possess, and enjoy lands, tenements, and hereditaments within this state, either by descent, devise, gift, or purchase, as fully as any **citizen of the United States or of this state** may do. Effective Date: 10-01-1953” Ohio Revised Code, Section 2105.16.

<http://codes.ohio.gov/orc/2105>

“Effective Date: 1-1-32” *States’ Laws on Race and Color: Studies in the Legal History of the South*, Pauli Murray, republished 1997 by the University of Georgia Press.

<http://books.google.com/books?id=L8LsCifv10IC&lpg=PP1&pg=PA352#v=onepage&q=&f=false>

“The factory inspector shall enforce all the provisions of this article. ...

If complaint is made to the factory inspector that any person contracting with the state or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article respecting the payment of the prevailing rate of wages, the requirements of hours of labor or the employment of **citizens of the United States or the state of New York**, the factory inspector shall, if he finds such complaints to be well founded, present evidence of such non-compliance to the officer, department, or board having charge of such work. Such officer, department or board shall thereupon take the proper proceedings to revoke the contract of the person failing to comply with or evading such provisions.” Laws and Ordinances Relating to Buildings in Greater New York, citing Section 2 of

Chapter 192 of the Laws of 1899 of the State of New York, pages 530 thru 531.

<http://books.google.com/books?id=UqsNAAAAYAAJ&pg=PA530#v=onepage&q=&f=false>

“Appellant’s contention is that the statute quoted is an unconstitutional interference with the right of **a citizen of the United States, or a citizen of the state**, to acquire and protect property.” State of South Dakota v. Pollock: 175 N.W. 557, at 558 (1919).

<http://books.google.com/books?id=cio8AAAAIAAJ&pg=PA558#v=onepage&q=&f=false>

“... The respondent Elina A. Skarderud is concededly **not a citizen of North Dakota, nor of the United States.**” Moody v. Hagen (Tax Commission, Intervener): 162 N.W. 704, at 706 (1917).

<http://books.google.com/books?id=7Q88AAAAIAAJ&pg=PA706#v=onepage&q=&f=false>

“It was made to appear on the hearing, by undisputed evidence, that the petitioner was a Japanese and **not a citizen of the United States or the state of California.**” In Re Tetsubumi Yano’s Estate: 206 P. Rep. 995, at 997 *per curiam* (1922).

<http://books.google.com/books?id=Qf0KAAAAYAAJ&pg=PA997#v=onepage&q=&f=false>

“The facts, as shown by the pleadings and the proofs, are these: At the time the action was begun, the respondents were aliens, **not citizens of the United States or the state of Washington**, and had filed no declaration of intention to become citizens.” The State of Washington v. Staeheli: 112 Wash. Rep. 344, 345 (1920).

<http://books.google.com/books?id=1lALAAAAYAAJ&pg=PA345#v=onepage&q=&f=false>

“In Crowley v. Christensen, 137 U. S. 86, the Supreme Court of the United States, through Mr. Justice Field, said:

“The sale of such liquors in this way has therefore been, at all times, by the courts of every state, considered as the proper subject of legislative regulation. ... It is a question of public expediency and public morality, and not of federal law. The police power of the state is fully competent to regulate the business—to mitigate its evils, or to suppress it entirely. There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a **citizen of the state or of a citizen of the United States.**” McClure v. Topf & Wright: 166 S.W. Rep. 174, at 175 (1914).

<http://books.google.com/books?id=WH07AAAAIAAJ&pg=PA175#v=onepage&q=&f=false>

For the State of Florida, there is the following:

“A property owner who, in good faith, makes real property in this state his permanent home is entitled to homestead tax exemption, notwithstanding he is **not a citizen of the United States or of this State**. (*Smith v. Voight*, 28 So. 2d 426 (Fla. 1946)). Florida Administrative Code, Section 12D-7007(2).

<http://www.bcpa.net/Forms/FAC-Ch12D-7.pdf>

DeQuervain v. Desquin: 927 So. 2d 232, at 234 thru 235 (2006).

<http://uniset.ca/other/cs6/927So2d232.html>

Attorney General of Florida, Advisory Legal Opinion, AGO 2005-55, Dated: November 9, 2005.

<http://www.myfloridalegal.com/ago.nsf/Opinions/44E1DCE5273DE959852570B40052B1C6>

See also Attorney General of Florida, Advisory Legal Opinion, AGO 61-148, Dated: September 19, 1961:

“You state in your letter that at the present time, tax assessors of the various counties in this state are confronted with the question of whether they should grant homestead tax exemption claims of citizens of Cuba who are residing in Florida without permanent visas, not through any fault of their own but by reason of the poor political conditions existing in Cuba. Under s. 7, Art. X, State Const., ‘every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home . . . shall be entitled to an exemption taxation. . . .’ Said s. 7, Art. X, was amended in 1938. Prior to the amendment that section provided that ‘there shall be exempted from all taxation . . . to every head of a family who is a citizen and resides in the state of Florida’ his homestead as defined by said section. It seems evident by comparison of the above constitutional provisions that a material change was made in the constitutional provision by the 1938 amendment. The prior constitutional provision required residence and citizenship; the present provision requires residence and the making of the property one's permanent home. A property owner may be entitled to homestead tax exemption notwithstanding he may be a ***citizen of another state or country***, so long as he resides permanently in this state (Smith v. Voight, 158 Fla. 366, 28 So.2d 426).

[https://taxlaw.state.fl.us/view.aspx?id=225893&file=pta\\_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions](https://taxlaw.state.fl.us/view.aspx?id=225893&file=pta_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions) (copy and paste)

And see Attorney General of Florida, Advisory Legal Opinion, AGO 70-028, Dated: April 14, 1970:

“In AGO 39-10, Jan. 19, 1939, Biennial Report of the Attorney General, 1939-1940 p. 438, it was held that minors, aliens, and any other person who held the legal or beneficial title in equity to real property in this state were entitled to homestead exemption and that citizenship was not the test. In Smith v. Voight, 28 So.2d 426 (Fla. 1946) it was held that not even **United States citizenship** was required in order to obtain homestead exemption.”

[https://taxlaw.state.fl.us/view.aspx?id=376610&file=pta\\_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions](https://taxlaw.state.fl.us/view.aspx?id=376610&file=pta_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions) (copy and paste)

In addition,

“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.*** . . . .

. . . . When its action does not conflict with federal legislation, the sovereign authority of the State over the conduct of its citizens upon the high seas is analogous to the sovereign authority of the United States over its citizens in like circumstances.” Skiriotes v. State of Florida: 313 U.S. 69, at 77, 78 thru 79 (1941).

[http://scholar.google.com/scholar\\_case?case=9757650854292938204](http://scholar.google.com/scholar_case?case=9757650854292938204)

“... As in case of the authority of the United States over its absent citizens (Blackmer v. United States, 284 U.S. 421), the authority of a State over one of its citizens is not terminated by the mere fact of his absence from the state.” Milliken v. Meyer: 311 U.S. 457, at 463 (1940).

[http://scholar.google.com/scholar\\_case?case=17349706952628716804](http://scholar.google.com/scholar_case?case=17349706952628716804)

In addition, there are now two citizens, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution of the United States of America and also a

citizen of the United States, under Section 1 of the Fourteenth Amendment:

“ . . . There is no inherent right in a citizen to thus sell intoxicating liquors by retail. It is not a privilege of a ***citizen of the State or of a citizen of the United States.***” Crowley v. Christensen: 137 U.S. 86, at 91 (1890).

<http://books.google.com/books?id=htIGAAAAYAAJ&pg=PA91#v=onepage&q&f=false>

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

<http://books.google.com/books?id=Ehg4AAAAIAAJ&pg=PA973#v=onepage&q&f=false>

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

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

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

<http://books.google.com/books?id=sRpLAAAAYAAJ&pg=PA213#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[s] 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](http://scholar.google.com/scholar_case?case=13866319457277062642) (Opinion)

A citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment:

“The question is presented in this case, whether, since the adoption of the fourteenth amendment, a woman, who is a citizen of the United States **AND** the State of Missouri, is a voter in that State, notwithstanding the provision of the constitution and laws of the State, which confine the right of suffrage to men alone. . . .

There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment ‘all persons born or naturalized in the United States and subject to the jurisdiction thereof ‘ are expressly declared to be ‘citizens of the United States and of the State wherein they reside.’ “ *Minor v. Happersett*: 88 U.S. (21 Wall.) 162, at 165 (1874).

<http://books.google.com/books?id=IEsGAAAYAAJ&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, Steigleder 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, Steigleder v. McQuesten*: 198 U.S. 141, at 142 (1905).

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

Therefore, in any State of the Union, there are two State citizens, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, and also a citizen of a State (and a citizen of the United States), under Section 1, Clause 1 of the Fourteenth Amendment. **[Footnote 6]** The only difference between them is that a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, is one born in a State of the Union; that is a native born citizen **[Footnote 7]** whereas a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment, is also a citizen of the United States residing in a particular State **[Footnote 8]**.

So, yes there is a citizen of a State.

---

#### Footnotes:

**1.** This article deals with citizenship under the Constitution of the United States of America, and not with naturalization under the Constitution. Naturalization is covered in the Constitution at Article 1, Section 8, Clause 4 (and recognized in Section 1, Clause 1 of the Fourteenth Amendment).

## 2. (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=LgAGAAAYAAJ&pg=PA49#v=onepage&q&f=false>

3. "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. . . .

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 respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (first section, second clause) 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 (Fourteenth) amendment. . . ." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873). **[Footnote 4], [Footnote 5]**

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

4. “ . . . In the Constitution and laws of the United States, the word ‘citizen’ is generally, if not always, used in a political sense to designate 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>

5. It is to be noted that privileges and immunities of a citizen of a State are in the constitution and laws of a particular State:

“ . . . Whatever may be the scope of section 2 of article IV -- and we need not, in this case enter upon a consideration of the general question -- the Constitution of the United States does not make the privileges and immunities enjoyed by the citizens of one State under the constitution and laws of that State, the measure of the privileges and immunities to be enjoyed, as of right, by a citizen of another State under its constitution and laws.” McKane v. Durston: 153 U.S. 684, at 687 (1894).

<http://books.google.com/books?id=mmkUAAAAYAAJ&pg=PA687#v=onepage&q=&f=false>

6. “The Constitution forbids the abridging of the privileges of a citizen of the United States, but does not forbid the state from abridging the privileges of its own citizens.

The rights which a person has as a citizen of the United States are those which the Constitution and laws of the United States confer upon a citizen as a citizen of the United States. For instance, a man is a **citizen of a state** by virtue of his being resident there; but, if he moves into another state, he becomes at once a citizen there by operation of the Constitution (Section 1, Clause 1 of the Fourteenth Amendment) making him a citizen there; and needs no special naturalization, which, but for the Constitution, he would need.

On the other hand, the rights and privileges which a **citizen of a state** has are those which pertain to him as a member of society, and which would be his if his state were not a member of the Union. Over these the states have the usual power belonging to government, subject to the proviso that they shall not deny to any person within the jurisdiction (i.e., to their own citizens, the citizens of other states, or aliens) the equal protection of the laws. These powers extend to all objects, which, in the ordinary course of affairs, concern the lives, liberties, privileges, and properties of people, and of the internal order, improvement, and prosperity of the state. *Federalist, No. 45*” Hopkins v. City of Richmond: 86 S. E. Rep. 139, at 145; 117 Va. 692; Ann. Cas. 1917D, 1114 (1915), citing the entire opinion of *Town of Ashland v. Coleman*, in its opinion (*per curiam*); overruled on other grounds, *Irvine v. City of*

*Clifton Forge*: 97 S. E. Rep. 310, 310; 124 Va. 781 (1918), citing the Supreme Court of the United States case of *Buchanan v. Warley*, 245 U.S. 60; 38 Sup. Ct. 16, 62 L. Ed. 149.

<http://books.google.com/books?id=oDY8AAAIAAJ&pg=PA145#v=onepage&q&f=false>

*Town of Ashland v. Coleman*:

<http://books.google.com/books?id=1SoZAAAAYAAJ&pg=PA427#v=onepage&q&f=false>

“... It is contended that the 1st section of the Fourteenth Amendment has been violated? That section declares that ‘all persons born in the United States are citizens of the United States and the State wherein they reside,’ and provides that ‘no State shall make or enforce any law which shall abridge the privileges or citizens of the United States, nor deny to any person within its jurisdiction the equal protection of the laws.’ This section, after declaring that all persons born in the United States shall be citizens (1) of the United States and (2) of the State wherein they reside, goes on in the same sentence to provide that no State shall abridge the privileges of citizens of the United States; but does not go on to forbid a State from abridging the privileges of its own citizens. Leaving the matter of abridging the privileges of its own citizens to the discretion of each State, the section proceeds, in regard to the latter, only to provide that no State ‘shall deny to any person within its jurisdiction the equal protection of the laws. ...

The rights which a person has a *citizen of a State* are those which pertain to him as a member of society, and which would belong to him if his State were not a member of the American Union. Over these the States have the usual powers belonging to government, and these powers ‘extend to all objects,,which, in the ordinary course of affairs, concern the lives, liberties, (privileges), and properties of people; and of the internal order, improvement, and prosperity of the State. *Federalist, No. 45. ...*

On the other hand, the rights which a person has as a citizen of the United States are such as he has by virtue of his State being a member of the American Union under the provisions of our National Constitution. For instance, a man is a *citizen of a State* by virtue of his being native and resident there; but, if he emigrates into another State he becomes at once a citizen there by operation of the provision of the Constitution (Section 1, Clause 1 of the Fourteenth Amendment) making him a citizen there; and needs no special naturalization, which, but for the Constitution, he would need to become a citizen.” *Ex Parte Edmund Kinney*: 3 Hughes 9, at 12 thru 14 (1879) [4th cir ct Va.].

<http://books.google.com/books?id=pB0TAAAAYAAJ&pg=PA12#v=onepage&q&f=false>

7. “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>

“Article IV., § 2, provides that the ‘citizens of each state shall be entitled to all privileges and immunities of citizens of the several states.’

The attention of the court has been called to the decision in *Groh v. Commonwealth*, 6 Pac. C. C. R. 130, in which an act entirely similar to the one under discussion was, by reference to this provision of the constitution, held void as against citizens of other states. With the utmost respect for the opinion of the learned judge who rendered that decision, this court is constrained to differ with this view. The clause of the constitution in question requires only that a citizen of another state be accorded the same rights under our laws as the citizens of Pennsylvania: *Lemon v. State*, 20 N. Y. 562, 608. It has nothing to do with distinctions founded on residence: *Ibid*.

**A native born citizen of Pennsylvania**, residing out of the state or even out of the counties of Berks and Franklin, is given no rights by this act which are denied to a citizen of another state, and the latter, if residing in these counties, has all the rights under it which a citizen of Pennsylvania has. Neither **a native born citizen of Pennsylvania**, residing out of the state, nor a citizen of another state not residing in Pennsylvania, can claim any rights, which under our laws belong only to residents of the state: *Lemon v. State*, *supra*. Thus, a statute of a state requiring non-resident suitors to give security for costs, does not offend against the constitutional provision referred to, because relating only to residence and not to citizenship: *Cummins v. Wingo* (S. C.), 10 S. E. Rep. 107.

Nor does article IV., § 2, protect citizens of this state from discriminating legislation within the state: *Slaughter-House Cases*, 16 Wall. 36, 75-77. Rothermel v. Meyerle: 136 Penn. 250, at 253 (1890); citing the entire opinion of the court below, *Rothermel v. Meyerle*, C. P. No. 74, November Term 1889, in its opinion.

<http://books.google.com/books?id=0MQaAAAAYAAJ&pg=PA254#v=onepage&q&f=false>

8. “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](http://scholar.google.com/scholar_case?case=6778891532287614638)

\* \* \* \* \*