

A Citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, can get a Passport

©2011 Dan Goodman

Before the adoption of the Fourteenth Amendment to the Constitution of the United States, one was considered a citizen of a State; as well as a citizen of the United States, under international law. [\[Footnote 1\]](#), [\[Footnote 2\]](#) As such, one owed allegiance to both the individual State government as well as to the United States government:

“... Every citizen of a State owes a double allegiance; he enjoys the protection and participates in the government of both the State and the United States.”
[Houston v. Moore](#): 18 U.S. (5 Wheat.) 1, at 33; concurring opinion of Justice Johnson (1820).

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

In completing an application for a passport before the Fourteenth Amendment, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, had to declare that he or she was a native citizen of the United States [\[Footnote 4\]](#) and take an oath of allegiance to the United States. An example:

<http://archive.org/stream/passportapplicat125unit#page/n47/mode/2up>

[United States Passport Applications](#), 1795 thru 1905; microform; Reel 125 September 1, 1864 thru November 30, 1864; page 47 (both sides).

After the adoption of the Fourteenth Amendment, a citizen of a State, under Article IV, Section 2, Clause 1 could complete an application for a passport. [\[Footnote 5\]](#) He or she had to declare that he or she was a native citizen of the United States and take an oath of allegiance to the United States. An example:

<http://archive.org/stream/passportapplicat263unit#page/n9/mode/2up>

United States Passport Applications, 1795 thru 1905; microform; Reel 263 April 1, 1884 thru April 30, 1884; page 9 (right side).

Another example:

<http://archive.org/stream/passportapplicat263unit#page/n49/mode/2up>

United States Passport Applications, 1795 thru 1905; microform; Reel 263 April 1, 1884 thru April 30, 1884; page 49 (right side).

And there is this:

<http://archive.org/stream/passportapplicat263unit#page/n51/mode/2up>

United States Passport Applications, 1795 thru 1905; microform; Reel 263 April 1, 1884 thru April 30, 1884; page 51 (right side).

A citizen of a State, both before and after the Fourteenth Amendment was one who was born in a State of the Union:

(Before the Fourteenth Amendment)

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

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

(After the Fourteenth Amendment)

“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>

A citizen of the United States, under Section 1 of the Fourteenth Amendment, is thus one who is born in the United States, and not a State of the Union. **[Footnote 7]**

One who is born in a State of the Union, is a citizen of that particular State. This is because the particular State has political jurisdiction (complete jurisdiction). The United States does not. One who is born in the United States; that is, the territories and possessions of the United States, including the District of Columbia and federal enclaves within the several States, is a citizen of the United States. This is because the United States has political jurisdiction (complete jurisdiction). An individual State does not. This can be seen in the following:

“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 (Opinion)

“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*** (emphasis not mine) 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>

Another way to look at this is that both the several States and the United States are sovereign:

"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

"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

"That the treaty-making power has been surrendered by the states and given to the United States, is unquestionable. It is true, also, that the ***treaties*** made by the United States and in force are part of the supreme law of the land, and that they ***are***

as binding within the territorial limits of the states as they are elsewhere throughout the dominion of the United States. Baldwin v. Franks: 120 U.S. 678, at 682 thru 683 (1887).

<http://books.google.com/books?id=c04GAAAAYAAJ&pg=PA682#v=onepage&q&f=false>

Thus, one who completed an application for an passport, after the adoption of the Fourteenth Amendment, stating that they were born in a State of the Union, was a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution of the United States of America, and not a citizen of the United States, under Section 1 of the Fourteenth Amendment.

Before the Fourteenth Amendment, a citizen of the United States was the same as a citizen of the several States united [Footnote 8]. Therefore, a citizen of a State, before the Fourteenth Amendment, was also a citizen of the several States united [Footnote 11].

However, the Fourteenth Amendment changed that. 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***:

“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 (privileges and immunities) 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).

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

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. [\[Footnote 12\]](#)

A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution, since the adoption of the Fourteenth Amendment, is now a citizen of the several States; that is, a citizen of the several States (united). With the nationality of a citizen of the several States (united). [\[Footnote 13\]](#)

Thus, a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution can apply for a passport as a citizen of the several States (united), and not a citizen of the United States, as such nationality is now a *citizenship as well as a nationality*.

Footnotes:

1. A naturalized citizen of the United States was also considered a citizen of the United States, under international law. And still is since the adoption of the Fourteenth Amendment.
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: [\[See Footnote 3\]](#)

“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 pledged 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).

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

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 the 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 the 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.

<http://books.google.com/books?id=WnIAAAAAYAAJ&pg=PA20#v=onepage&q&f=false>

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. A naturalized citizen of the United States had to declare that he or she was a naturalized citizen of the United States and take an oath of allegiance. An example:

<http://archive.org/stream/passportapplicat125unit#page/n39/mode/2up>

United States Passport Applications, 1795 thru 1905; microform; Reel 125 September 1, 1864 thru November 30, 1864; page 39 (both sides).

5. The following cases on diversity of citizenship show that there is a citizen of the United States, and a citizen of a State who is not a citizen of the United States:

“The petition avers, that the plaintiff, Richard Raynal Keene, is a citizen of the state of Maryland; and that James Brown, the defendant, is a citizen or resident of the state of Louisiana, holding his fixed and permanent domicil in the parish of St. Charles. The petition, then, does not aver positively, that the defendant is a citizen of the state of Louisiana, but in the alternative, that he is a citizen or a resident. Consistently with this averment, he may be either.

“ . . . A citizen of the United States may become a citizen of that state in which he has a fixed and permanent domicil; **but the petition DOES NOT AVER that the plaintiff is a citizen of the United States.** . . .

The decisions of this court require, that the averment of jurisdiction shall be positive, and that the declaration shall state expressly the fact on which jurisdiction depends. It is not sufficient that jurisdiction may be inferred argumentatively from its averments.

The answer of James Brown asserts, that both plaintiff and defendant are citizens of the State of Louisiana.

Without indicating any opinion on the question, whether any admission in the plea can cure an insufficient allegation of jurisdiction in the declaration, we are all of opinion that this answer does not cure the defect of the petition. If the averment of the answer may be looked into, the whole averment must be taken together. It is that both plaintiff and defendant are citizens of Louisiana.” Brown v. Keene: 33 U.S. (Peters 8) 112, at 115 thru 116 (1834).

<http://books.google.com/books?id=DUUFAAAAAYAAI&pg=PA115#v=onepage&q&f=false>

“Syllabus:

The facts, which involved the sufficiency of averments and proof of diverse citizenship to maintain the jurisdiction of the United States Circuit Court, are stated in the opinion of the court.

Opinion:

We come to the contention that the citizenship of Edwards was not averred in the complaint or shown by the record, and hence jurisdiction did not appear.

In answering the question, whether the Circuit Court had jurisdiction of the controversy, we must put ourselves in the place of the Circuit Court of Appeals, and decide the question with reference to the transcript of record in that court.

Had the transcript shown nothing more as to the status of Edwards than the averment of the complaint that he was a ‘resident of the State of Delaware,’ as such an averment would not necessarily have imported that Edwards was a citizen of Delaware, a negative answer would have been impelled by prior decisions. *Mexican Central Ry. Co. v. Duthie*, 189 U.S. 76; *Horne v. George H. Hammond Co.*, 155 U.S. 393; *Denny v. Pironi*, 141 U.S. 121; *Robertson v. Cease*, 97 U.S. 646. The whole record, however, may be looked to, for the purpose of curing a defective averment of citizenship, where jurisdiction in a Federal court is asserted to depend upon diversity of citizenship, and if the requisite citizenship, is anywhere expressly averred in the record, or facts are therein stated which in legal intendment constitute such allegation, that is sufficient. *Horne v. George H. Hammond Co.*, supra and cases cited.

As this is an action at law, we are bound to assume that the testimony of the plaintiff contained in the certificate of the Circuit Court of Appeals, and recited to have been given on the trial, was preserved in a bill of exceptions, which formed part of the transcript of record filed in the Circuit Court of Appeals. Being a part of the record, and proper to be resorted to in settling a question of the character of that now under consideration, *Robertson v. Cease*, 97 U.S. 648, we come to ascertain what is established by the uncontradicted evidence referred to.

In the first place, it shows that Edwards, prior to his employment on the New York Sun and the New Haven Palladium, was legally domiciled in the State of Delaware. Next, it demonstrates that he had no intention to abandon such domicile, for he testified under oath as follows: ‘One of the reasons I left the New Haven Palladium was, it was too far away from home. I lived in Delaware, and I had to go back and forth. My family are over in Delaware.’ Now, it is elementary that, to effect a change of one’s legal domicile, two things are indispensable: First, residence in a new domicile, and, second, the intention to remain there. The change cannot be made, except *facto et animo*. Both are alike necessary. Either without the other is

insufficient. Mere absence from a fixed home, however long continued, cannot work the change. *Mitchell v. United States*, 21 Wall. 350.

As Delaware must, then, be held to have been the legal domicil of Edwards at the time he commenced this action, ***had it appeared that he was a citizen of the United States, it would have resulted, by operation of the Fourteenth Amendment, that Edwards was also a citizen of the State of Delaware.*** *Anderson v. Watt*, 138 U.S. 694. ***Be this as it may, however, Delaware being the legal domicil of Edwards, it was impossible for him to have been a citizen of another State, District, or Territory, and he must then have been either a citizen of Delaware or a citizen or subject of a foreign State. In either of these contingencies, the Circuit Court would have had jurisdiction over the controversy.*** But, in the light of the testimony, we are satisfied that the averment in the complaint, that Edwards was a resident 'of the State of Delaware, was intended to mean, and, reasonably construed, must be interpreted as averring, that ***the plaintiff was a citizen of the State of Delaware.*** *Jones v. Andrews*, 10 Wall. 327, 331; *Express Company v. Kountze*, 8 Wall. 342." *Sun Printing & Publishing Association v. Edwards*: 194 U.S. 377, at 381 thru 383 (1904).

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

"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). [See [Footnote 6](#)]

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

6. A citizen of the United States is recognized in Section 1, Clause 1 of the Fourteenth Amendment. A citizen of a State who is not a citizen of the United States is recognized at Article IV, Section 2, Clause 1 of the Constitution of the United States of America:

" . . . 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=Ehg4AAAAIAAI&pg=PA973#v=onepage&q&f=false>

7. To see that a citizen of the United States, under Section 1 of the Fourteenth Amendment, is one who is born in the United States, and not the several States, refer to my work “Yes, persons born in the United States under the Fourteenth Amendment are not born in the several States” and then “Blunders of the Supreme Court of the United States, Part 3.”

8. “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** [See Footnote 9] 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>

9. Before the Fourteenth Amendment, the term “the United States,” referred 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). **[See Footnote 10]**

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

<http://books.google.com/books?id=UfADAAAAYAAJ&pg=PA303#v=onepage&q=&f=false>

10. “The people of the United States constitute one nation, under one government, and this government, within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence. The States disunited might continue to exist. **Without the States in union there could be no such political body as the United States.**” Lane County v. the State of Oregon: 74 U.S. (Wall. 7) 71, at 76 (1868).

<http://books.google.com/books?id=Mfy7AAAIAAJ&pg=PA76#v=onepage&q=&f=false>

11. “ ... For all national purposes embraced by the federal constitution, the states and the citizens thereof are one, united under the same sovereign authority, and governed by the same laws. In all other respects, the states are necessarily foreign to, and independent of each other.” Buckner v. Finley: 27 U.S. (Peters 2) 586, at 590 (1829).

<http://books.google.com/books?id=lm8DAAAAQAAJ&pg=PA590#v=onepage&q&f=false>

“ ... [T]he States of this Union, although united as one nation for certain specified purposes, are yet, so far as concerns their internal government, separate sovereignties, independent of each other.” Commonwealth of Kentucky v. Dennison: 65 U.S. (Howard 24) 66, at 100 (1860).

<http://books.google.com/books?id=FpkGAAAAYAAJ&pg=PA100#v=onepage&q&f=false>

12. “In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the **privileges and immunities of citizens of the several States**, this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380.” Hodges v. United States: 203 U.S. 1, at 15 (1906).

<http://books.google.com/books?id=HuEGAAAAYAAJ&pg=PA15#v=onepage&q&f=false>

“In speaking of the meaning of the phrase ‘**privileges and immunities of citizens of the several States**,’ under section second, article fourth, of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham*, 133 U.S. 107, that the intention was ‘to confer on the **citizens of the several States a general citizenship**, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.’ “ Maxwell v. Dow: 176 U.S. 581, at 592 (1900).

<http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA592#v=onepage&q&f=false>

“The objection that the acts abridge the **privileges and immunities of citizens of the United States**, within the meaning of the [Fourteenth] amendment, is not pressed, and plainly is untenable. As has been pointed out repeatedly, the privileges and immunities referred to in the amendment are only such as owe their existence to the federal government, its national character, its Constitution, or its laws. *Maxwell v. Bugbee*, 250 U.S. 525, 537-538, and cases cited.” Owney v. Morgan: 256 U.S. 94, at 112-113 (1921).

<http://books.google.com/books?id=1v0xAAAAIAAJ&pg=PA112#v=onepage&q&f=false>

Also:

“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).

<http://books.google.com/books?id=DhwLAAAAYAAJ&pg=PA701#v=onepage&q&f=false>

And:

“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).

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

13. 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:

<u>Nationality</u>	<u>1914</u>	<u>1919</u>
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=8y0pAAAAAYAAJ&pg=PA38#v=onepage&q&f=false>

<http://books.google.com/books?id=oC4pAAAAAYAAJ&pg=PA14#v=onepage&q&f=false>

(on page 15)

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