

# One citizen before the Fourteenth Amendment, Two citizens after the Fourteenth Amendment

© 2010 Dan Goodman

Before the Fourteenth Amendment, citizenship of a State and citizenship of the United States were considered one in the same. That is, one was considered a citizen of a State AS WELL AS a citizen of the United States. [\[Footnote 1\]](#) 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. [\[Footnote 2\]](#)

A citizen of the United States can become also a citizen of a State, by residing in a State of the Union. As such, a person would be a citizen of the United States AND a citizen of a State under Section 1 of the Fourteenth Amendment. [\[Footnote 3\]](#) A citizen of a State, as distinguished from a citizen of the United States, would be a citizen of a State under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America). [\[Footnote 4\]](#) In addition, a citizen of a State, as distinguished from a citizen of the United States, is now also a citizen of the several States; that is a citizen of a State AS WELL AS a citizen of the several States. [\[Footnote 5\]](#)

Privileges and immunities of a citizen of a State are to be found with the constitution and laws of the individual State. [\[Footnote 6\]](#) Privileges and immunities of a citizen of the United States are located at Section 1, Clause 2 of the Fourteenth Amendment. [\[Footnote 7\]](#) Privileges and immunities of a citizen of the several States are designated at Article IV, Section 2, Clause 1 of the Constitution. [\[Footnote 5\]](#), [\[Footnote 8\]](#) Privileges and immunities of a citizen of the United States are not the same as of a citizen of the several States. [\[Footnote 9\]](#)

By force of the Fourteenth Amendment, a citizen of the United States residing in a State of the Union becomes a citizen of that State. As such a person would have privileges and immunities found in the Fourteenth Amendment plus those privileges and immunities provided for under the constitution and laws of the State where one resides. A citizen of a State, as distinguished from a citizen of the United States, is also a citizen of the several States. As such a person would have privileges and immunities located in Article IV, Section 2, Clause 1, plus those privileges and immunities provided for under the constitution and laws of the State where one is domicile.

An alien or foreigner can be either a citizen of the United States or a citizen of a State (as well as a citizen of the several States), as distinguished from a citizen of the United States. [Footnote 10]

---

#### Footnotes:

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

<http://books.google.com/books?id=0p4WAQAAIAAJ&pg=PA302#v=onepage&q=&f=false>

2. "The act was considered in *Johnson v. United States*, 160 U.S. 546, 16 Sup. Ct. 377, 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>

3. “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>

4. “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 clauses of Art. IV, Sec. 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the State that enacted it.” (*Syllabus*) Whitfield v. State of Ohio: 297 U.S. 431 [1936]

“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 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 (section 2), 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. *Slaughterhouse Cases* (Live-Stock Dealers' & Butchers' Ass'n v. Crescent City Live-Stock Landing & Slaughter-House Co.), Fed.Cas. No. 8,408, 1 Woods 21, 28; *Bradwell v. State of Illinois*, 16 Wall. 130, 138.” (*Opinion*) Whitfield v. State of Ohio: 297 U.S. 431, 437 [1936].

<http://www.loislaw.com/advsrny/doclink.htm?alias=USCASE&cite=297+U.S.+431>

5. “The intention of section 2, Article IV (of the Constitution), 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.” Cole v.

Cunningham: 133 U.S. 107, at 113 thru 114 (1890).

<http://books.google.com/books?id=oGYUAAAAYAAJ&pg=PA113#v=onepage&q=&f=false>

6. "... 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>

7. Privileges and immunities of a citizen of the United States arise "out of the nature and essential character of the Federal government, and granted or secured by the Constitution" (*Duncan v. State of Missouri*: 152 U.S. 377, at 382 [1894] ) or, in other words, "owe their existence to the Federal government, its National character, its Constitution, or its laws." (*Slaughterhouse Cases*: 83 (16 Wall.) U.S. 38, at 79 [1873]).

<http://books.google.com/books?id=ZGkUAAAAYAAJ&pg=PA382#v=onepage&q=&f=false>

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA79#v=onepage&q=&f=false>

8. "There can be no doubt that Balk, as a citizen of the State of North Carolina, had the right to sue Harris in Maryland to recover the debt which Harris owed him. Being a citizen of North Carolina, he was entitled to all the privileges and immunities of citizens of the several States, one of which is the right to institute actions in the courts of another State." Harris v. Balk: 198 U.S. 215, at 223 (1905).

<http://books.google.com/books?id=ceIGAAAAYAAJ&pg=PA223#v=onepage&q=&f=false>

9. "We think this distinction and its explicit recognition in this [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section (first section, second clause), which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several states. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same." *Slaughterhouse Cases*: 83 (16 Wall.) 36, at 74 (1873).

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

**10.** “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=1lALAAAAAYAAJ&pg=PA345#v=onepage&q=&f=false>

“... [T]he power granted to congress by Article 1, § 8, of the constitution of the United States, to establish a uniform rule of naturalization, is exclusive; and the naturalization laws enacted by congress in the exercise of this power constitute the only rule by which a foreign subject may become a citizen of the United States or of a state, within the meaning of the federal constitution and laws. It is not in the power of a state to denationalize a foreign subject who has not complied with federal naturalization laws, and constitute him a citizen of the United States or of a state, so as to deprive the federal courts of jurisdiction over a controversy between him and a citizen of a state, conferred upon by them by Article 3, § 2 of the constitution of the United States, and the acts of congress.” City of Minneapolis v. Reum: 56 F. 576, 581 (1893).

<http://books.google.com/books?id=WRk4AAAAIAAJ&dq=editions%3ALCCN99004395&lr=&pg=PA581#v=onepage&q=&f=false>