

# Two State citizens under the Constitution of the United States

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With the ratification of the Fourteenth Amendment on July 28 1868, there are now two state citizens under the Constitution of the United States (of America).

The first is at Section 1, Clause 1 of the Fourteenth Amendment:

“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 second is at Article IV, Section 2, Clause 1 of the Constitution:

“The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

One state citizen is, under the Fourteenth Amendment, a citizen of the United States. [\[Footnote 1\]](#) The other state citizen is, under Article IV, Section 2, Clause 1 of the Constitution, a citizen of the several States. [\[Footnote 2\]](#)

A citizen of a State is separate and distinct from a citizen of the United States. [\[Footnote 3a\]](#) A citizen of the United States is separate and distinct from a citizen of a several States. [\[Footnote 3b\]](#)

Privileges and immunities of a citizen of a State are to be found with the constitution and laws of the individual State. [\[Footnote 5\]](#) Privileges and immunities of a citizen of the United States are located at Section 1, Clause 2 of the Fourteenth Amendment. [\[Footnote 6\]](#) Privileges and immunities of a citizen of the several States are designated at Article IV, Section 2, Clause 1 of the Constitution. [\[Footnote 7\]](#)

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 he or she 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 he or she resides. A citizen of the several States domicile in an individual state becomes by Article IV, Section 2, Clause 1, a citizen of that state. As such he or she 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 he or she is domicile.

Therefore, there is a state citizen, with privileges and immunities of a citizen of the several States; under Article IV, Section 2, Clause 1 of the Constitution and there is a state citizen, with privileges and immunities of a citizen of the United States; under Section 1, Clause 2 of the Fourteenth Amendment. **[Footnote 8]**

Since a citizen of the several States is separate and distinct from a citizen of the United States, then there are two state citizens under the Constitution of the United States (of America).

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### Footnotes:

**1.** “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.” Bradwell v. the State of Illinois: 83 U.S. 130, at 138 (1873).

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**2.** “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).

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“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>

**3a.** “. . . 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 . . . .

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). Link is at **3b**.

**3b.** “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). **[Footnote 4]**

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**4.** A citizen of a State is not the same as a citizen of the several States. A citizen of a State, before the Fourteenth Amendment, was not a citizen of the several States. Article IV, Section 2, Clause 1 of the Constitution stated:

“The citizens of each State shall be entitled to all privileges and immunities of citizens **IN** the several States.”

It did not state:

“The citizens of each State shall be entitled to all privileges and immunities of citizens **OF** the several States.”

Since a citizen of a State was not entitled to all privileges and immunities of citizens **OF** the several States, before the Fourteenth Amendment, then a citizen of a State was not a citizen of the several States.

One was a citizen “of “ the several states, before the Fourteenth Amendment, in the sense that he or she was eligible to be a citizen in all the States of the Union, under Article IV, Section 2, Clause 1 of the Constitution. So a citizen of the several States did not exist before the Fourteenth Amendment.

5. "... 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).

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6. 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]).

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

7. "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 page 15 (1906).

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8. "Because the ordinance and specifications, under which the paving in this case was done, require the contractor to employ only bona fide resident citizens of the city of New Orleans as laborers on the work, it is contended, on behalf on the plaintiff in error, that thereby **citizens of the State of Louisiana, and of each and every State and the inhabitants thereof, are deprived of their privileges and immunities under article 4, sec. 2, and under the Fourteenth Amendment to the Constitution of the United States**. It is said that such an ordinance deprives every person, not a bona fide resident of the city of New Orleans, of the right to labor on the contemplated improvements, and also is prejudicial to the property owners, because, by restricting the number of workmen, the price of the work is increased.

Such questions are of the gravest possible importance, and, if and when actually presented, would demand most careful consideration; but we are not now called upon to determine them.

In so far as the provisions of the city ordinance may be claimed to affect the rights and privileges of citizens of Louisiana and of the other States, the plaintiff in error is in no position to raise the question. It is not alleged, nor does it appear, that he is one of the laborers excluded by the ordinance from employment, or that he occupies any representative relation to them. Apparently he is one of the preferred class of resident citizens of the city of New Orleans." Chadwick v. Kelley: 187 U.S. 540, at 546 (1903).

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