

# Restore the Privileges or Immunities Clause? Overturn Slaughterhouse?

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The *Slaughterhouse Cases* is best known for reading the Privileges or Immunities Clause of the Fourteenth Amendment out of the Constitution. However, the case is also known for deciding that citizenship of a State was to be separate and distinct from citizenship of the United States. This, of course, has a direct bearing on citizenship under the Constitution. As before this case, citizenship of a State and citizenship of the United States were considered one in the same.

In addition, "[t]he Supreme Court, however, adopted a narrower view when it first interpreted the Fourteenth Amendment in 1873 in the *Slaughter-House Cases*. These consolidated cases addressed several butchers' constitutional challenges under the Reconstruction Amendments to a Louisiana statute granting a monopoly on the butchering of animals in New Orleans to a single slaughtering company. Justice Miller, writing for the five Justices in the majority, rejected each of the butchers' constitutional claims, holding that the statute did not violate the guarantees of the Thirteenth Amendment or the Fourteenth Amendment's Privileges or Immunities Clause, (fn 86) Equal Protection Clause, or Due Process Clause, all of which he believed were concerned predominantly with the protection of the recently freed slaves. . . .

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**fn 86:** Id. at 72-80 The Court divined a purported distinction in the text of the Fourteenth Amendment between the 'privileges and immunities of citizens of the United States' and those 'of citizens of the several states.' Id. at 74. The Court then expressed that the clause only protected 'the privileges or immunities of citizens of the United States,' which it limited to those owing 'there existence to the Federal government, its National character, its Constitution, or its laws.' Id. at 79. . . ."

**Source:** Rhodes, Charles W. (Rocky), "Liberty, Substantive Due Process, and Personal Jurisdiction", *Tulane Law Review*, Vol. 82, No. 2, 2007. This paper can be downloaded at the Social Science Research Network at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1004112](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1004112) .

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There is a desire to overturn the *Slaughterhouse Cases* using the case McDonald v.

City of Chicago. The reason centers on the Privileges or Immunities Clause of the Fourteenth Amendment. Those who wish to overturn *Slaughterhouse Cases* believe: a) that there is only one citizen under the Constitution since the ratification of the Fourteenth Amendment and the *Slaughterhouse Cases*, b) that the privileges and immunities of this citizenship; that is citizenship of the United States, should be those described in *Corfield v. Coryell*. They do not know that there is a second citizenship now under the Constitution (and not the Fourteenth Amendment), and that this citizenship has those privileges and immunities described in *Corfield v. Coryell*. This citizenship is citizenship of the several States.

The fact there is a citizen of the several States in law is **settled!** [Footnote]

<http://www.jdsupra.com/post/documentViewer.aspx?fid=0172afa1-e76c-42e1-a34f-5c95de71f605> .

The privileges and immunities of citizens of the several states are those described by *Corfield v. Coryell*, cited in the *Slaughterhouse Cases*. This is reaffirmed in *Hodges v. United States*:

“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).

The Supreme Court does not have to restore the Privileges or Immunities Clause of the Fourteenth Amendment. People need to understand that there are now two citizens under the Constitution, each with a different set of privileges and immunities.

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#### Footnote:

Citizenship of the several States is designated at Article IV, Section 2, Clause 1 of the Constitution of the United States (of America):

“The intention of section 2, Article IV (of the Constitution), was to confer on the ***citizens of the several States*** a general citizenship.” Cole v. Cunningham: 133 U.S. 107, 113-114 (1890).