

# What was the holding of the Slaughterhouse Cases?

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In the *Slaughterhouse Cases*, the Supreme Court held, one, that citizenship of a State was separate and distinct from citizenship of the United States; that a citizen of a State was separate and distinct from a citizen of the United States:

***“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 respective are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (Section 1, Clause 2 of the Fourteenth Amendment) 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 amendment.”*** *Slaughterhouse Cases*: 83 U.S. (16 Wall.) 36, at 74 (1873).

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In addition:

***“In the *Slaughter-house cases*, 16 Wall. 36, the subject of the privileges or immunities of citizens of the United States, as distinguished from those of a particular State, was treated by Mr. Justice Miller in delivering the opinion of the court. He stated . . . that *it was only privileges and immunities of the citizen of the United States that were placed by the [Fourteenth] amendment under the protection of the Federal Constitution, and that the privileges and immunities of a citizen of a State, whatever they might be, were not intended to have any additional protection by the paragraph in question, but they must rest for their security and protection where they have heretofore rested.*”*** *Maxwell v. Dow*: 176 U.S. 581, at 587 (1900).

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And:

“. . . It is, then, to the Fourteenth Amendment that the advocates of the congressional act must resort to find authority for its enactment, and to the first section of that amendment, which is as follows: ‘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. 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.'

In the first clause of this section, declaring who are citizens of the United States, there is nothing which touches the subject under consideration. The second clause, declaring that 'no State shall make or enforce any law which will abridge the privileges or immunities of citizens of the United States,' **is limited, according to the decision of this court in Slaughter-House Cases, to such privileges and immunities as belong to citizens of the United States, as distinguished from those of citizens of the State.**" Neal v. State of Delaware: 103 U.S. 370, at 406 (1880).

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

" . . . 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).

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" . . . In the Constitution and laws of the United States, the word 'citizen' is generally, if not always, used in a political sense to designate **one 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).

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The Supreme Court, in the *Slaughterhouse Cases*, also held, that there are now two citizens under the Constitution of the United States of America, a citizen of the United States, at Section 1 of the Fourteenth Amendment, and also a citizen of the several States, at Article IV, Section 2, Clause 1 of the Constitution:

"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 (Section 1, Clause 2 of the Fourteenth Amendment), which is the one mainly relied on by the plaintiffs in error, speaks **ONLY of privileges and immunities of the United States, and does not speak of those (privileges and immunities) of citizens of the several States.** . . . .

The first occurrence of words 'privileges and immunities' in our constitutional history, is to be found in the fourth of the articles of the old Confederation. . . .

In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section two of the fourth article, in the following words: 'The citizens of each State shall be entitled to all the **privileges and immunities of citizens OF the several States.**' " Slaughterhouse Cases: 83 U.S. (16 Wall.) 36, at 74, 75 (1873).

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Further:

"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).

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Therefore, there is a citizen of the United States, under Section 1 of the Fourteenth Amendment, and also a citizen of the several States, under Article IV, Section 2, Clause 1 of the Constitution of the United States of America.

A citizen of the United States, under Section 1, Clause 1 of the Fourteenth Amendment, can become also a citizen of a State. A citizen of the several States is also a citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution ("the citizens of each State"), or; in other words, a citizen of a State, who is not a citizen of the United States, is entitled to privileges and immunities of citizens of the several States:

"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).

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“... So, a State may, by rule uniform in its operation as to citizens of the several States, require residence within its limits for a given time before a citizen of another State who becomes a resident thereof shall exercise the right of suffrage or become eligible to office. It has never been supposed that regulations of that character materially interfered with the enjoyment by **citizens of each State of the privileges and immunities secured by the Constitution to citizens of the several States**. The Constitution forbids only such legislation affecting citizens of the respective States as will substantially or practically put a citizen of one State in a condition of alienage when he is within or when he removes to another State, or when asserting in another State the rights that commonly appertain to those who are part of the political community known as the People of the United States, by and for whom the Government of the Union was ordained and established. Blake v. McClung: 172 US. 239, at 256 thru 257 (1898).

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Thus, the Supreme Court, in the *Slaughterhouse Cases*, held that a citizen of a State was separate and distinct from a citizen of the United States, and that there are now two citizens under the Constitution of the United States of America, a citizen of the United States, under Section 1 of the Fourteenth Amendment, and also a citizen of the several States, under Article IV, Section 2, Clause 1 of the Constitution.

Since a citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment, and also a citizen of a State is recognized under Article IV, Section 2, Clause 1 of the Constitution, then there are two state citizens [Footnote 1] in every State of the Union; one who is a citizen of the United States, under Section 1 of the Fourteenth Amendment, and one who is a citizen of the several States, under Article IV, Section 2, Clause 1 of the Constitution.

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### Footnote 1

“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.

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*Town of Ashland v. Coleman*:

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"... 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.].

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