

The 14th Amendment did NOT create a 'national' citizenship

Then what did it create?



MARK IVERSON

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The primary purpose of the 14th Amendment was to confer a citizenship status on the freed slaves. The first clause reads:

“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.”

If you've read my [article](#) on the three legal definitions for the term 'United States', you should be asking yourself, WHICH United States is the 14th Amendment referring to??? I can interpret the above clause two ways. Let's rewrite it adding in the legal definitions,

“All persons born or naturalized in the United States (*District of Columbia*), and subject to the jurisdiction thereof, are citizens of the United States (*District of Columbia*) and of the State wherein they reside.”

or,

“All persons born or naturalized in the United States (*50 states of the union*), and subject to the jurisdiction thereof, are citizens of the United States (*District of Columbia*) and of the State wherein they reside.”

Given the two possible interpretations above, one can see that BOTH are stating that a

United States." - Sharon v Hill, 26 Fed. 337 @ 343

FACT#1

The 14th Amendment did NOT create a national citizenship

To convince you, I'll repeat one of the SCOTUS rulings in my first article...

"While the **14th Amendment does not create a national citizenship**, it has the effect of making that citizenship 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship."

- Colgate v Harvey, 296 U.S. 404 (1935)

It is very clear as to why the court stated this... **nowhere in the U.S. Constitution did We the People delegate the power to the federal government to create a 'national' citizenship.** Article I, Section 8, Clause 4 of the Constitution provides Congress with the power "... to establish an **uniform Rule of Naturalization...**" Those rules were to be used by the states to confer state citizenship on their own citizens.

The California Supreme Court case of *Ex parte Frank Knowles* provides clarification about the use of the term, citizen of the United States, as it relates to conferring citizenship prior to the 14th Amendment:

"By metaphysical refinement, in examining our form of 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. **The object then to be obtained, by the exercise of the power of naturalization, was to make citizens of the respective states.**"

"If we examine the language closely, and according to the **rules of rigid construction**

always applicable to delegated powers, we will find that the power to naturalize in fact is not given to Congress, but simply the power to establish a uniform rule. The States are not forbidden to naturalize, nor is there anything in the exercise of the power by them incongruous or incompatible with the power of Congress to establish a uniform rule. That the States, if they choose to exercise the power as an original one, must abide by the **rule** which Congress makes, there cannot be the slightest difference of opinion. The power given to Congress was, according to my apprehension, intended to provide a rule for the action of the States, and **not a rule for the action of the Federal Government.**

Ex parte Frank Knowles, 5 Cal 301 (1855)

This case is additional support of the facts established in my first article — prior to the 14th there was only one citizenship status, State citizenship. Federal citizenship came with the 14th Amendment which was meant to confer a citizenship status on the freed slaves *so they had legal standing in any legal proceedings.*

A brief diversion — appreciation of the conciseness of legal discourse...

In the Knowles case above, there is this explanation by the judge regarding the use of a single word, ‘uniform’...

The power given to Congress was, according to my apprehension, intended to provide a rule for the action of the States, and not a rule for the action of the Federal Government. **Else why was the term ‘uniform’ made to qualify ‘rule?’** If it was designed simply to give the power of making citizens to Congress, simpler modes of expression might have been used, and ought to have been required, and surely there would have been no use for the term "uniform." **Why should the rule be uniform, unless more than one had to execute the rule?**

Pay attention to the wording, capitalization, legal definitions!

Further clarification by the California Supreme Court regarding citizenship and the 14th Amendment...

“No white person born within the limits of the United States and subject to THEIR jurisdiction... or born without those limits, and subsequently naturalized under

THEIR laws, owes his status of citizenship to the recent amendments to the Federal Constitution. The purpose of the 14th Amendment... was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States who could not be brought within operation of the naturalization laws because native born, and whose birth, though native, at the same time left them without citizenship. Such persons were not white persons but in the main were of African blood, who had been held in slavery in this country..."

- **Van Valkenburg v Brown**, 43 Cal 43 (1872)

Note the use of the plural form "their" jurisdiction... CLEARLY, the term "United States" is legally referring to the states of the union, and not the (singular) 'District of Columbia' United States.

Pay attention to the legal definitions!

As clearly explained in one of my other articles, one of the three legal definitions for the term 'United States' is the 'District of Columbia' — that area over which the federal government has **exclusive legislative jurisdiction**. That area is defined in **Article I, Section 8, Clause 17** of the U.S. Constitution, which says:

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; ..."

Congress can do pretty much what it wants in the District of Columbia because it's NOT one of the 50 states; the federal government can "... exercise exclusive Legislation in all Cases whatsoever, over such District...". However, all legislation enacted for the 50 states MUST be within the delegated powers in the U.S. Constitution. Here's the first clause of the 14th:

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.

What is very interesting are the early drafts of this amendment... others have covered this in great detail, but to summarize from memory, the phrase “and subject to the jurisdiction thereof”, started out as “and subject to **THEIR** jurisdiction”, then it was revised to “and subject to **ITS** jurisdiction”, and then to the final form, “and subject to the jurisdiction thereof”. You have to ask... WHY were these changes made? Well, “their jurisdiction” is plural, and we know that this could not be a national (over all the states) citizenship. It was a citizenship within a single legal jurisdiction, the District of Columbia, so the change to ‘its’ jurisdiction (singular) makes sense and is legally accurate. But why change it from ‘its’, which is clear, to ‘the jurisdiction thereof’ which seems a bit more complex. The legal aspects of this clause have seen a fair amount of treatment by the courts, so I’ll leave it at that.

Prior to 14th, the U.S. Constitution only had a Privileges & Immunities clause that involved state citizens, because that is all there were. **Article 4, Section 2 of the U.S. Constitution,**

"The Citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several states"

This Privileges and Immunities clause is for state Citizens. Prior to the US Constitution, each state was a sovereign jurisdiction with its own constitution and its own citizens; legally, they were like separate countries. This Section of the Constitution was necessary so that a Citizen from state ‘A’, when in state ‘B’, had to be treated by state ‘B’ the same as it treated its own Citizens. This makes perfect sense especially when traveling between the states was becoming commonplace. You wanted to know that your rights would be recognized and that you’d be treated equally by states you were traveling through. Some have also argued that when Citizen is capitalized, its referring to State Citizenship; lowercase when referring to federal citizenship. Although capitalization is important in legalese, I don’t think I’ve seen any court cases that specifically discuss this issue regarding the use of Citizen vs citizen.

The creation of a second citizenship required a second Privileges & Immunities clause between a federal citizen (citizen of the U.S.) and state citizens. The freed slaves were citizens of the District of Columbia residing in one of the several states, and the 14th amendment forces the states to treat those DC citizens the SAME as the state treats

their own (state) Citizens. This begs the question... why couldn't we eliminate the U.S citizen class and go back to a single state citizenship? Revise the 14th Amendment so that we are all Citizens of the state in which we live, **regardless of race!** Can't do that — it would emasculate the power of the federal government since it would have NO citizens.



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