

Quotes from Slaughter House Cases for Plessy Lesson

Source for Slaughter House Cases

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p. 73 (A) All the negro race who had recently been made freemen, (in 1865 by the 13th Amendment) were still, not only not citizens, but were in-capable of becoming so by anything short of an amendment to the Constitution. To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States, and also citizenship of a State, the first clause of the first section was framed.

p.73 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."...It declares (Justice Miller explained) that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established.

p,74 The argument, however, in favor of the plaintiffs (the white butchers) rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same. (In both the US and the states) The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it.... (W)e wish to state here that it is only the (citizenship in the United States) which are placed by this clause under the protection of the Federal Constitution, and that the rights of (the citizens of the states), whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

p.77 Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of congress the entire domain of civil rights heretofore belonging exclusively to the States?

p.78 (S)uch a construction followed by the reversal of the judgments of the Supreme Court of Louisiana in these cases, (ruling in favor of the butchers) would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, ... when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them; ...when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people; ... We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.

p.79 (W)e venture to suggest some (rights)which owe their existence to the Federal government, its National character, its Constitution, or its laws. ... It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, to come to the seat of government to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its seaports, through which all operations of foreign commerce are conducted, to the subtreasuries, land offices, and courts of justice in the several States....

p.126 (1.) Citizens of the States and of the United States are defined.

(2.) It is declared that no State shall, by law, abridge the privileges or immunities of citizens of the United States.

(3.) That no State shall deprive *any person*, whether a citizen or not, of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. A citizen of a State is *ipso facto* a citizen of the United States.