

From: [Mark Ferran](http://www.billstclair.com/ferran) [www.billstclair.com/ferran](http://www.billstclair.com/ferran) [http://groups.yahoo.com/group/Lex\\_Rex](http://groups.yahoo.com/group/Lex_Rex)

As quoted in, **The Original Intent of the 14th Amendment** <http://billstclair.com/ferran/fourteenth.html> ,  
the Supreme Court Justices acknowledged:

**"The [fourteenth] amendment was not ... primarily intended to confer citizenship on the negro race. It had a much broader purpose; it was intended to justify legislation [i.e., now codified as 42 USC sections 1983, 1985, 1986] , extending the protection of the National government over the common rights of all citizens of the United States, and thus obviate objections to the legislation [i.e., the Civil Rights Act of 1866, and the Freemen's Bureau Act] adopted for the protection of the emancipated race. It was intended to make it possible for all persons, which necessarily included those of every race and color, to live in peace and security wherever the jurisdiction of the nation reached. It, therefore, recognized, if it did not create, a National citizenship, and made all persons citizens except those who preferred to remain under the protection of a foreign government; and declared that their privileges and immunities, which embrace the fundamental rights belonging to citizens of all free governments, should not be abridged by any State. This National citizenship [85 U.S. 129, 141] is primary, and not secondary. It clothes its possessor, or would do so if not shorn of its efficiency by construction, with the right, when his privileges and immunities are invaded by partial and discriminating legislation, to appeal from his State to his Nation, and gives him the assurance that, for his protection, he can invoke the whole power of the government."** <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=85&invol=129>

## Fourteenth Amendment explained:

Basic information:

- **The Original Intent of the 14th Amendment** <http://billstclair.com/ferran/fourteenth.html>

"The commandment in the Fourteenth Amendment that the People in each state must give to every "person" within their jurisdiction the "equal protection of the laws," is a codification of the Ancient Hebrew "One Law" (for citizens and strangers alike) principle and a **codification of Jesus' Golden Rule** (i.e., you and your neighbors should be treated equally by all humans administering the power of the sword). "It sought equality of treatment of all persons ... similarly situated. .... **It means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and under like circumstances.**" *Truax v. Corrigan*, 257 US 312, 331, 338 (1921)." <http://billstclair.com/ferran/markferran1.html>

See, *Firearms And The Fourteenth Amendment*, by Robert Greenslade, at <http://www.gunowners.org/op0309.htm> and [http://www.tysknews.com/Depts/2nd\\_Amend/fourteenth\\_amend.htm](http://www.tysknews.com/Depts/2nd_Amend/fourteenth_amend.htm)

As explained by Jon Roland, of the Constitution Society, the language of the Fourteenth Amendment was "intended by the framers of the Fourteenth to extend the jurisdiction and protection of federal courts to all rights recognized by the Constitution and Bill of Rights against actions by state government." [http://www.constitution.org/col/intent\\_14th.htm](http://www.constitution.org/col/intent_14th.htm)

"That's what our Fourteenth Amendment is all about : [www.billstclair.com/ferran](http://www.billstclair.com/ferran)  
Read constitutional scholar Mark Ferran's article which empowers the citizens to enforce our constitutional right of life, liberty, and property that are expressly secured in section one of the Fourteenth Amendment to the U.S. Constitution. "Due Process of the Law and Equal Protection of the Law."  
[http://www.stanley2002.org/conviction\\_for\\_exercising\\_rights.html](http://www.stanley2002.org/conviction_for_exercising_rights.html)

and at: <http://www.freedomunderground.org/view.php?v=3&t=3&aid=3597>

- **The First Ten Amendments were not sufficient in and of themselves to restrain the STATES**  
<http://billstclair.com/ferran/insufficient.html>
- **Tyrannical 'State's Rights' Doctrine: Right to Jury Trial in Civil Case Still Depends on State's Law**  
<http://billstclair.com/ferran/jurytrial.html>
- **A Republic Is a Corporation** <http://billstclair.com/ferran/republic.html> See Footnote 38 at <http://www2.bc.edu/~bruy/CivilRepublic/Appendix%20J.pdf>

#### Advanced Studies:

- **Part 1: Law, a Revolutionary Idea for Peace** <http://billstclair.com/ferran/markferran1.html>
- **Part 2: US Supreme Court Permits "Unauthorized Deprivations" and thereby Declares War Against God and Against The People of the United States** <http://billstclair.com/ferran/markferran2.html>

The citizens of the United States formed the several State Governments and later formed the Government of the United States. A person who is born and voluntarily remains a "citizen" of the United States enters into a compact for the mutual protection and for the common welfare of other citizens of the United States. "The declaration contained in the [Fourteenth] amendment that citizens of the United States shall be deemed citizens of the State wherein they reside is merely a reiteration of the law as it existed before the amendment." <http://www.constitution.org/cmt/jswise/citizenship.htm>

See "**Citizens of the United States and Privileges thereof**" at [http://groups.yahoo.com/group/Lex\\_Rex/message/12](http://groups.yahoo.com/group/Lex_Rex/message/12)

Before the First American Civil War (1860) and before the Fourteenth Amendment (1868), the basic rules of state/federal citizenship were the same as later prescribed in the Fourteenth Amendment. In 1854, the rules were explained and understood as follows:

"The adoption of the constitution of the United States [in 1787] established the government of the United States as a national government. Therefore the citizens of each and every state are citizens of the United States, and removal from one state to another does not affect citizenship." Page 126

" Naturalization Laws .....This right of citizenship is, in a measure, a hereditary right which descends, so that

all people born in the United States, of parents who were citizens, are entitled to the rights of citizenship also." Page 74

[http://www.kamron.com/Downloads/books\\_and\\_downloads.htm](http://www.kamron.com/Downloads/books_and_downloads.htm)

Publisher: R.B. Collins; Rev. ed edition (January 1, 1853)

"There is, however, no disagreement that citizenship may be voluntarily relinquished or abandoned either expressly or by conduct." fn. 11, KENNEDY v. MENDOZA-MARTINEZ, 372 U.S. 144 (1963) <http://laws.findlaw.com/us/372/144.html>

### *Quilibet Potest Renunciar Juri Pro Se Inducto*

Anyone May Renounce A Right Introduced For His Own Benefit

"Citizenship" is an OFFICE, like president, congressman, senator, Policeman, etc. A citizen may voluntarily Resign from his office (for free, without paying Conmen like L.B. Bork), but in doing so he gives up the great privileges of citizenship that come with that office (such as the privilege of voting rights, the privilege of changing state citizenship unilaterally, and even the basic privilege of remaining on US territory.)

[www.billstclair.com/ferran](http://www.billstclair.com/ferran)

P.S.

From: <http://www.justia.us/us/3/133/case.html>

"Argument: The right of expatriation is antecedent and superior to the law of society. ... [C]itizenship, which has arisen from the dissolution of the feudal system; is a substitute for allegiance, corresponding with the new order of things. [Forced] Allegiance and [voluntary] citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact; [forced] allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance [that it may be maintained by force, by the state] is inapplicable to a system of citizenship; which it can neither serve to control, nor to elucidate." Talbot v Jansen, 3 Dall 133. ... In short, to admit that Frenchmen may be made citizens by an oath of allegiance to America, is, virtually, to admit, that Americans may be expatriated by an oath of allegiance to France."  
<http://www.justia.us/us/3/133/case.html>

That argument was not questioned by US Supreme Court and has never been overruled, but only qualified: The court expressly acknowledged the voluntariness of US citizenship; The court simply spelled out a requirement that an adult person exercising his right of expatriation must depart from the territory of the country, and enter another country, to effect a change of citizenship, this being the international Law.

"[A]lthough he had renounced his allegiance to Virginia, or declared an intention of expatriation, and admitting the same to have been constitutionally done, and legally proved, yet he had not emigrated to, and become the subject or citizen of, any foreign kingdom or republic. He was domiciliated within the United States, from whence he had not removed and joined himself to any other country, settling there his fortune, and family. From Virginia, he passed into South Carolina, where he sailed on board the armed vessel called the Ami de la Liberte. He sailed from, and returned to, the United States, without so much as touching at any foreign port, during his absence. In short, it was a temporary absence, and not an entire departure from the United

States; an absence with intention to return, as has been verified by his conduct and the event, and not a departure with intention to leave this country, and settle in another. Ballard was, and still is, a citizen of the United States, perchance, he should be a citizen of the world. The latter is a creature of the imagination, and far too refined for any republic of ancient or modern times. ... Now it is an obvious principle, that an act of illegality can never be construed into an act of emigration, or expatriation. At that rate, treason and emigration, or treason and expatriation, would, in certain cases, be synonymous terms. The cause of removal must be lawful; otherwise the emigrant acts contrary to his duty, and is justly charged with a crime. Can that emigration be legal and justifiable, which commits or endangers the neutrality, peace, or safety of the nation of which the emigrant is a member? ... Ballard was a citizen of Virginia, and also of the United States. ... A statute of the United States, relative to expatriation is much wanted." <http://www.justia.us/us/3/133/case.html>

From: MINOR v. HAPPERSETT, 88 U.S. 162 (1874) <http://laws.findlaw.com/us/88/162.html> :

**"There is no doubt that women may be citizens. They are persons,** and by the fourteenth amendment 'all persons born or naturalized in the United States and subject to the jurisdiction thereof' are expressly **declared to be 'citizens** of the United States and **of the State wherein they reside.**' But, in our opinion, **it did not need this amendment to give them that position. Before its adoption the Constitution of the United States did not in terms prescribe who should be citizens of the United States or of the several States, yet there were necessarily such citizens without such provision. There cannot be a nation without a people.** The very idea of a political community, such as a nation is, implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

"For convenience it has been found necessary to **give a name to this membership.** The object is to designate by **a title the person and the relation he bears to the nation.** For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government. **Citizen is now more commonly employed,** however, and as it has been considered better **suited to the description of one living under a republican government,** it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. **When used in this sense it is understood as conveying the idea of membership of a nation, and**

**nothing more.**

"To determine, then, **who were citizens of the United States before the adoption of the [Fourteenth] amendment** it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.

"Looking at the Constitution itself we find that it was ordained and established by **'the people of the United States,'** and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth, and that had by Articles of Confederation and Perpetual Union, in which they took the name of 'the United States of America,' entered into a firm league of friendship with each other for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

**"Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.**

**"Additions might always be made to the citizenship of the United States in two ways: first, by birth, and second, by naturalization.** This is apparent from the Constitution itself, for it provides that 'no person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President,'<sup>7</sup> and that Congress shall have power 'to establish a uniform rule of naturalization.' Thus new citizens may be born or they may be created by naturalization.

**"The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common-law, with the nomenclature of which the framers of the Constitution were familiar,** it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purposes of this case it is not necessary to solve

these doubts. It is sufficient for everything we have now to consider that **all children born of citizen parents within the jurisdiction are themselves citizens.** The words 'all children' are certainly as comprehensive, when used in this connection, as 'all persons,' and if females are included in the last they must be in the first. That they are included in the last is not denied. In fact the whole argument of the plaintiffs proceeds upon that idea.

"Under the power to adopt a uniform system of naturalization Congress, as early as 1790, provided 'that any alien, being a free white person,' might be admitted as a citizen of the United States, and that the children of such persons so naturalized, dwelling within the United States, being under twenty-one years of age at the time of such naturalization, should also be considered citizens of the United States, and that the children of citizens of the United States that might be born beyond the sea, or out of the limits of the United States, should be considered as natural-born citizens. [8](#) These provisions thus enacted have, in substance, been retained in all the naturalization laws adopted since. In 1855, however, the last provision was somewhat extended, and all persons theretofore born or thereafter to be born out of the limits of the jurisdiction of the United States, whose fathers were, or should be at the time of their birth, citizens of the United States, were declared to be citizens also.<sup>9</sup>

"As early as 1804 it was enacted by Congress that when any alien who had declared his intention to become a citizen in the manner provided by law died before he was actually naturalized, his widow and children should be considered as citizens of the United States, and entitled to all rights and privileges as such upon taking the necessary oath;<sup>10</sup> and in 1855 it was further provided that any woman who might lawfully be naturalized under the existing laws, married, or [\[88 U.S. 162, 169\]](#) who should be married to a citizen of the United States, should be deemed and taken to be a citizen. [11](#)

"From this it is apparent that from the commencement of the legislation upon this subject alien women and alien minors could be made citizens by naturalization, and we think it will not be contended that this would have been done if it had not been supposed that native women and native minors were already citizens by birth.

"But if more is necessary to show that women have always been considered as citizens the same as men, abundant proof is to be found in the legislative and judicial history of the country. Thus, by the Constitution, the judicial power of the United States is made to extend to controversies between citizens of different States. Under this it has been uniformly held that the citizenship necessary to give the courts of the United States jurisdiction of a cause must be affirmatively shown on the record. Its existence as a fact may be put in issue and tried. If found not to exist the case must be dismissed. Notwithstanding this the records of the courts are full of cases in which the jurisdiction depends upon the citizenship of women, and

not one can be found, we think, in which objection was made on that account. Certainly none can be found in which it has been held that women could not sue or be sued in the courts of the United States. Again, at the time of the adoption of the Constitution, in many of the States (and in some probably now) aliens could not inherit or transmit inheritance. There are a multitude of cases to be found in which the question has been presented whether a woman was or was not an alien, and as such capable or incapable of inheritance, but in no one has it been insisted that she was not a citizen because she was a woman. On the contrary, her right to citizenship has been in all cases assumed. The only question has been whether, in the particular case under consideration, she had availed herself of the right.

"In the legislative department of the government similar proof will be found. Thus, in the pre-emption laws, <sup>12</sup> a widow, 'being a citizen of the United States,' is allowed to make settlement on the public lands and purchase upon the terms specified, and women, 'being citizens of the United States,' are permitted to avail themselves of the benefit of the homestead law.

"Other proof of like character might be found, but certainly more cannot be necessary to establish the fact that sex has never been made one of the elements of citizenship in the United States. In this respect men have never had an advantage over women. The same laws precisely apply to both. The fourteenth amendment did not affect the citizenship of women any more than it did of men. In this particular, therefore, the rights of Mrs. Minor do not depend upon the amendment. **She has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship. The [Fourteenth] amendment prohibited the State, of which she is a citizen, from abridging any of her privileges and immunities as a citizen of the United States; but it did not confer citizenship on her. That she had before its adoption.**

"If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.

**"The Constitution does not define the privileges and immunities of citizens.** For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.

"... The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had."

**Section 349 of the Immigration and Nationality Act prescribes a FREE method of expatriation, awarding you a "Certificate of Loss of Nationality", which the IRS will honor:**

<http://www.irs.gov/instructions/i8854/ch01.html#d0e60>

If you disavow your US citizenship, you disavow your voluntary pledge to protect your all your fellow US countrymen (From communists, from Tyrants, from ConMen, Thieves, Robbers, etc.), and you become their enemy, and if you infest their country, you are a form of vermin to be expelled or exterminated. Thus, by disavowing your birthright US citizenship, and thus disavowing your adult assumption of the duties of citizenship, while remaining here as a parasite or subverter you are an enemy of the people of the United States, and a vermin worse than the [Aztlan invaders](#)

Congress later expressly recognized the right of all American citizens, and of all Foreigners, to Expatriate themselves. See The "Expatriation Act," (15 Stat. 223, 8 U.S.C. Sec. 1482 and 1483; 22)

It is not necessary for anyone to pay a con-man before exercising that right.

"The expatriation law Congress implemented in the 1860's was intended for the benefit of people who were immigrating from other countries to America. *It wasn't intended to create a special class of American who isn't subject to the Constitution and laws of the United States and constitutions and laws of States of the Union. So long as someone remains in any given geographical location, he or she is subject to the law of the land*, whatever it is. Article III of the U.S. Constitution reserves jurisdiction over foreign ministers, etc., but even recognized dignitaries are accountable to the law. They may be ordered to leave rather than being prosecuted for many offenses, but they're held accountable nonetheless."

Dan Meador : <http://groups.yahoo.com/group/legality-of-income-tax/message/13523>

"Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding **natural and inherent right of American citizens to expatriate themselves.**" *Savorgnan v. United States*, 1950, 338 U.S. 491, 498 note 11, 70 S. Ct. 292, 296, 94 L. Ed. 287.[1][2] The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy **favoring freedom of expatriation which stands unrepealed.**" *Id.*, 338 U.S. at pages 498-499, 70 S. Ct. at page 296. That same light, I think, illuminates 22 U.S.C.A. § 211a and 8 U.S.C.A. § 1185."

*Walter Briehl v. John Foster Dulles*, 284 F2d 561, 583 (1957).

If you want to Terminate your US citizenship/nationality (i.e., Expatriate yourself), you do not have to PAY a Con-Man to help you to *Pretend* that you did so, and you can do it for FREE by following the methods outlined at <http://www.irs.gov/instructions/i8854/ch01.html#d0e60>

## **Expatriation or Termination of Residency**

For purposes of immigration and nationality law, the date of your expatriation or termination of residency depends on when certain acts occurred. The specific acts that must have occurred depend on whether you are a former U.S. citizen or a former U.S. long-term resident (LTR). The specific acts are described below.

### **Former U.S. Citizens**

If you were a U.S. citizen, you expatriated:

- On the date **you renounced your U.S. citizenship outside the United States before a diplomatic or consular officer** of the United States **pursuant to paragraph (5) of section 349 of the Immigration and Nationality Act**, provided there is a determination of loss of citizenship by the Secretary of State, as reflected by your receipt of an approved **Certificate of Loss of Nationality**, or
- On the date you voluntarily performed an act of expatriation with the specific and contemporaneous intention of giving up your U.S. citizenship, provided there is a determination of

loss by the Secretary of State, as reflected by your receipt of an approved Certificate of Loss of Nationality. **An act of expatriation is any act defined as a potentially expatriating act either by paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act or by any other Act of Congress defining expatriating acts.**

While your citizenship may have ended because a federal court revoked your naturalization under section 340 of the Immigration and Nationality Act, this type of loss of citizenship is not treated as an expatriating event for purposes of section 877 and this form, if after the revocation, you hold the status under the Immigration and Nationality Act of an alien lawfully admitted for permanent residence.

"Moreover, as far as the US is concerned, the renouncing of US citizenship can only take place with a formal written request signed by you, or if a US court convicts you of treason, espionage, or serving in a foreign government or foreign armed forces." <http://www.mail-archive.com/fukuzawa@ucsd.edu/msg04200.html>

And, the standard Expatriation process could be made even easier by an addition to the so-called USA PATRIOT ACT:

"The Bush Administration is preparing a bold, comprehensive sequel to the USA Patriot Act passed in the wake of September 11, 2001, which will give the government broad, sweeping new powers to increase domestic intelligence-gathering, surveillance and law enforcement prerogatives, and simultaneously decrease judicial review and public access to information. ... Section 501, Expatriation of Terrorists: This provision, the drafters say, would establish that an American citizen could be expatriated if, with the intent to relinquish his nationality, he becomes a member of, or provides material support to, a group that the United States has designated as a terrorist organization. But whereas a citizen formerly had to state his intent to relinquish his citizenship, the new law affirms that his intent can be 'inferred' from conduct. Thus, engaging in the lawful activities of a group designated as a 'terrorist organization' by the Attorney General could be presumptive grounds for expatriation."

[http://www.thismodernworld.com/weblog/mtarchives/week\\_2003\\_02\\_02.html](http://www.thismodernworld.com/weblog/mtarchives/week_2003_02_02.html)

I am guessing that a few who are concerned or fixated about Federal Income Taxes are willing to disclaim or renounce their birthright US citizenship just in hopes of avoiding it. Some very rich people leave this country (and renounce their US Citizenship) to avoid Federal Income Taxation. See <http://www.actionamerica.org/taxecon/ticktack.html> But, some of the poorest and stupidest people in this country have somehow been convinced (by ConMen) that being born "citizen of the United States" is/was the basis of the power, if any, of the US government to impose Federal Income Tax, and that if they are somehow Not a "citizen of the United States" then Congress has no ability to impose or enforce its tax upon them While they live work and reside on American soil. They misunderstand something fundamental. To avoid Federal power, you must entirely leave the territory of the united States (and avoid predator drones).

As far as I know, everyone who ever went to trial under prosecution by the IRS/DOJ claiming that he was "not a citizen of the United States" and therefor not liable for taxes, was convicted:

"The power to tax which is given to Congress by Article I, Section 8, of the Constitution, and by the 16th Amendment, is not limited to the taxation of citizens, whether "sovereign state citizens," "14th Amendment citizens," or any other type of citizen. The power to tax applies to all [within]

the United States whether or not they are citizens."

<http://evans-legal.com/dan/tpfaq.html#sovereigncitizens>

"Sovereignty is the right to govern; ...[A]t the Revolution, the sovereignty devolved on ... the citizens of America" CHISHOLM v. GA., 2 U.S. 419 (1793) <http://laws.findlaw.com/us/2/419.html>

The IRS has prosecuted so many of these "I-am-not-a-citizen" cases that it makes a special note about the assertion in its brochure about "Frivolous Tax Argument" at [http://www.irs.gov/pub/irs-utl/friv\\_tax.pdf](http://www.irs.gov/pub/irs-utl/friv_tax.pdf)

"This responds to some of the more common frivolous legal arguments made by individuals and groups who oppose compliance with the federal tax laws. The first section groups these arguments under six general categories, with variations within each category. Each contention is briefly explained, followed by a discussion of the legal authority that rejects the contention." [http://www.irs.gov/pub/irs-utl/friv\\_tax.pdf](http://www.irs.gov/pub/irs-utl/friv_tax.pdf)

See the conviction boast of the DOJ at: [http://www.usdoj.gov/opa/pr/2003/May/03\\_tax\\_299.htm](http://www.usdoj.gov/opa/pr/2003/May/03_tax_299.htm)

"defendants Ambort and Benson conducted three-day seminars across the country advocating that only minorities, labeled as '14th Amendment citizens,' had to pay taxes."

See also: [http://www.quatloos.com/quatloosia\\_report\\_Apr2005.htm](http://www.quatloos.com/quatloosia_report_Apr2005.htm)

**The IRS brochure, although it sadly fails to specifically address the (false) premise that the US government's power to tax depends upon whether or not that person is a citizen of that government, is relevant:**

Contention: Taxpayer is not a 'citizen' of the United States, thus not subject to the federal income tax laws.

Some individuals argue that they have rejected citizenship in the United States in favor of state citizenship; therefore, they are relieved of their federal income tax obligations. A variation of this argument is that a person is a free born citizen of a particular state and thus was never a citizen of the United States. The underlying theme of these arguments is the same: the person is not a United States citizen and is not subject to federal tax laws because only United States citizens are subject to these laws. The Law: The Fourteenth Amendment to the United States Constitution defines the basis for United States citizenship, stating that [a]ll 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 Fourteenth Amendment therefore establishes simultaneous state and federal citizenship. Claims that individuals are not citizens of the United States but are solely citizens of a sovereign state and not subject to federal taxation have been uniformly rejected by the courts. Relevant Case Law: O'Driscoll v. I.R.S., 1991 U.S. Dist. LEXIS 9829, at 5-6 (E.D. Pa. 1991) the court stated, despite [taxpayer's] linguistic gymnastics, he is a citizen of both the United States and Pennsylvania, and liable for federal taxes. United States v. Sloan, 939 F.2d 499, 500 (7th Cir. 1991), cert. denied, 502 U.S. 1060, reh'g denied, 503 U.S. 953 (1992) the court affirmed a tax evasion conviction and rejected Sloan's argument that the federal tax laws did not apply to him because he was a freeborn, natural individual, a citizen of the State of Indiana, and a master not servant B of his government. United States v. Ward, 833 F.2d 1538, 1539 (11th Cir. 1987), cert. denied, 485 U.S. 1022 (1988) the court found Ward's contention that he was not an individual located within the jurisdiction of the United States to be utterly without merit and affirmed his conviction for tax evasion. United States v. Sileven, 985 F.2d 962 (8th Cir. 1993) the court rejected the argument that the district court lacked jurisdiction

because the taxpayer was not a federal citizen as plainly frivolous. *United States v. Gerads*, 999 F.2d 1255, 1256 (8th Cir. 1993) the court rejected the Gerads contention that they were not citizens of the United

States, but rather Free Citizens of the Republic of Minnesota and, consequently, not subject to taxation and imposed sanctions for bringing this frivolous appeal based on discredited, tax-protestor arguments. *Bland-Barclay v. Commissioner*, T.C. Memo. 2002-20, 83 T.C.M. (CCH) 1119, 1121 (2002) the court rejected taxpayers' claim that they were exempt from the federal income tax laws due to their status as citizens of the Maryland Republic, characterized such arguments as baseless and wholly without merit, and required taxpayers to pay a \$1,500 penalty for making frivolous arguments. *Solomon v. Commissioner*, T.C. Memo. 1993-509, 66 T.C.M. (CCH) 1201, 1202-03 (1993) the court rejected Solomon's argument that as an Illinois resident his income was from outside the United States, stating [he] attempts to argue an absurd proposition, essentially that the State of Illinois is not part of the United States. His hope is that he will find some semantic technicality which will render him exempt from Federal income tax, which applies generally to all U.S. citizens and residents. [His] arguments are no more than stale tax protester contentions long dismissed summarily by this Court and all other courts which have heard such contentions. [http://www.irs.gov/pub/irs-utl/friv\\_tax.pdf](http://www.irs.gov/pub/irs-utl/friv_tax.pdf)

Citizens of a country can impose a tax on foreigners only (e.g., forcing them to leave), or only upon themselves only, or on both. That is the Universal principle of Taxation With Representation. If you are not a "citizen" of a government, you give up the power to participate in the choice of who that government's tax is imposed upon and in what amount. But, as far as I know, being Frenchman, or a German, or an Alaskan, or a Floridian, while living within the territorial US has nothing to do with whether the US has the legal power to impose and collect a tax upon you.

It is the right and duty of citizens to establish, control, alter, or abolish, their government, e.g., by voting.

To disavow US citizenship is to declare yourself an enemy of all US citizens who struggle against communism and against other forms of tyranny.

[www.billstclair.com/ferran](http://www.billstclair.com/ferran)

**From:** **Mark Ferran** [www.billstclair.com/ferran](http://www.billstclair.com/ferran) [http://groups.yahoo.com/group/Lex\\_Rex](http://groups.yahoo.com/group/Lex_Rex)

**Subject:** Re: Fourteenth Amendment & Citizenship explained, by Mark Ferran [www.billstclair.com/ferran](http://www.billstclair.com/ferran)

Senator Howard, authored the citizenship-securing (first) sentence of the Fourteenth Amendment:

"One conspicuous departure from the language of the Civil Rights Act [of 1866] was the elimination of the phrase "Indians not taxed." Senator Jacob Howard of Ohio, the author of the Citizenship Clause, defended the new language against the charge that it would make Indians citizens of the United States. Howard assured skeptics that "Indians born within the limits of the United States, and who maintain their tribal relations, are not, in the sense of this amendment, born subject to the jurisdiction of the United States." Senator Lyman Trumbull, Chairman of the Senate Judiciary Committee, supported Howard, contending that "subject to the jurisdiction thereof" meant "not owing allegiance to anybody else . . . subject to the complete jurisdiction of the United States." Indians, he concluded, were not "subject to the jurisdiction" of the United States because they owed allegiance—even if only partial allegiance—to their tribes. Thus, two

requirements were set for United States citizenship: born or naturalized in the United States and subject to its jurisdiction."

<http://www.heritage.org/Research/GovernmentReform/wm925.cfm>

John Bingham drafted the Law Clauses (Due Process and Equal Protection, of Law) of the Fourteenth Amendment, for the protection of Loyal whites living in or migrating to the Southern states, and into the future Western states. Bingham's emphasis was always on providing Congressional protection to loyal White citizens who had suffered oppression, or who would suffer oppression, by the unrestrained exercise of tyrannical powers exerted by the States. Another member of the Joint Committee on Reconstruction, Abolitionist Charles Sumner, proposed provisions purporting to restrain (only) discrimination on account of "race, color, or previous condition of servitude". Bingham and others rejected such proposals as inadequate. [As an aside, the debates in Congress clearly indicate that that Congress did not, by proposing the 14th Amendment, intend to prohibit all class legislation (i.e., discrimination on the basis of race or gender.)]

By the end of the Civil War, the need for the Whole People to have a way to restrain tyranny of the states was painfully clear, as explained in the speech of John A. Bingham (the draftsman of the Law Clauses of Section 1 of the Fourteenth Amendment) introducing the Fourteenth Amendment to Congress:

**'As slaves were not protected by the Constitution, there might be some color of excuse for the slave States in their disregard for the requirement of the bill of rights as to slaves in refusing them protection in life or property. \* \* \* 'But, sir, there never was even colorable excuse, much less apology, for any man North or South claiming that any State Legislature or State court, or State Executive, has any right to deny protection to any free citizen of the United States within their limits in the rights of life, liberty, and property. Gentlemen who oppose this amendment oppose the grant of power to enforce the bill of rights. Gentlemen who oppose this amendment simply declare to these rebel States, 'Go on with your confiscation statutes, your statutes of banishment, your statutes of unjust imprisonment, your statutes of murder and death against men because of their loyalty to the Constitution and Government of the United States.'** Cong.Globe. at 1089-1091. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=332&invol=46>

Among the recurring abuses of the Bill of Rights that occurred in the Southern states before the First American Civil War was the abuse and violence (and denial of Equal Protection of the Law), directed against Christian Preachers who dared to undertake missionary expeditions into the South (e.g., preaching the moral faults of slavery).

The most compelling basis stated by President Johnson for his Veto of the Civil Rights Act of 1866 was that it extended Congressional protection to negroes far

beyond any protection ever extended to secure the rights of the loyal White Citizens of the United States.

Those who supported the Civil Rights Act of 1866, (and even one Justice of the Supreme Court, defended it by arguing that, despite its language, it did indeed protect White Citizens equally as Black Citizens, from abuse in the States. They argued:

"The President's objection to the bill as special legislation is a manifest misapprehension. The bill is universal in its application. If the rights of any citizen of whatever birth or color are invaded anywhere in the country the bill provides the remedy, without any exclusion or exception whatever." Harper's Weekly, April 14, 1866 <http://www.impeach-andrewjohnson.com/05AJFirstVeto/iia-10.htm>

The debate as to the effectiveness of the language of the Civil Rights Act of 1866 to protect white citizens from abuse in the several states continues to this day.

Even the abolitionists realized that a proposed Constitutional Amendment even seeming to make the same mistake (seemingly protecting only negroes, and neglecting the protection of whites) would have zero chance of ratification.

Thus, there is no mention or limitation anywhere in the Fourteenth Amendment with respect to "race" or "color" or "previous condition of servitude." The language of the Fourteenth Amendment refers exclusively to the historical birthrights of white Americans: Equal Protection of Law, Due Process of Law, and "privileges and immunities" of citizenship. These terminologies were direct and unambiguous references to the birthrights of Anglo-Americans held and esteemed before and since the Revolutionary War. The language of the Fourteenth Amendment is entirely indifferent to the race of persons and of citizens, and would have been equally effective and necessary even if there had never been a single negro born or set foot upon American soil.

The first efforts of the Framers of the Constitution to force the States to respect human rights and the rights of all (e.g., white) citizens are those provisions of the US Constitution which begin: "No State Shall..." The next effort of the Framers of the Constitution was to force the States to obey any among the Bill of Rights, as described in the essay titled:

## "Ironically the First Fourteenth Amendment" <http://members.tripod.com/~candst/14thamend.htm>

That essay documents that the Framers of the Bill of Rights, (e.g., James Madison) had also proposed an "Article the Fourteenth", that "called for selective

incorporation against the states some of the other Articles" of amendment (i.e., some of the Bill of Rights) in these words:

**"No state shall** infringe the equal rights of conscience, nor the freedom of speech or of the press, nor of the right of trial by jury in criminal cases."

The essay quotes from records of the debate on this first proposed 14th Amendment that:

"Mr. MADISON conceives this to be the most valuable amendment in the whole list. **If there were any reason to restrain the government of the United States from infringing upon these essential rights, it was equally necessary that they should be secured against the state governments.** He thought that if they provided against one, it was as necessary to provide against the other, and it was satisfied that it would be equally grateful to the people." <http://members.tripod.com/~candst/14thamend.htm>

"It is ironic that this particular Article was numbered fourteen and that it called for selective incorporation of other amendments in the "Bill of Rights package" against the states. **It is interesting that it was passed by "the people's" representatives, but defeated by the state's representatives.** It is very ironic that another Article also numbered fourteen was passed some 79 or so years later and that it would, in time be used to selectively incorporate other Articles of the "Bill of Rights package" against the states." <http://members.tripod.com/~candst/14thamend.htm>

79 years later the People of the United States attempted to correct the earlier omission in the Constitution and to obviate any further argument as to the effect of the Bill of Rights as a limit on the tyrannical power of the States, by prosecuting a Civil War against the tyrannical States and thereby compelled all the States to Ratify the Fourteenth Amendment, which echoed the same unambiguous "No State Shall..." language:

**"No state shall** make or enforce any law which shall **abridge the privileges or immunities of citizens of the United States [this language was specifically intended to include all the rights secured in the Bill of Rights]**; 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."

The language of the Fourteenth Amendment, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" was intended and expected by its draftsman and the Congress to restrain the states from violating the restrictions in the Bill of Rights, and more.

[http://www.constitution.org/col/intent\\_14th.htm](http://www.constitution.org/col/intent_14th.htm)

The concept that "privileges and immunities of citizens of the United States" included the rights recited in the Bill of Rights, a concept that the Framers of the Fourteenth Amendment adopted, was derived from the opinion in the notorious Dred Scott Decision, wherein it was acknowledged that free White people born or naturalized as citizens of the United States, were also citizens of the State wherein they reside, and vice versa.

Reported: "Since the adoption of the Constitution of the United States, no State can by any subsequent law make a foreigner or any other description of persons citizens of the United States, nor entitle them to the rights and privileges secured to citizens by that instrument."

Chief Justice Taney wrote:

"The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement [the descendants slaves in any state] compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and **can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States**. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them. It is not the province of the court to decide upon the justice or injustice, the policy or impolicy, of these laws."

"[A] person may be entitled to vote by the law of the State, who is not a citizen even of the State itself. And in some of the States of the Union foreigners not naturalized are allowed to vote. And the State may give the right to free negroes and mulattoes, but that does not make them citizens of the State, and still less 'of the United States'. And the provision in the Constitution giving privileges and immunities in other States, does not apply to them.

"Neither does it apply to a person who, being the citizen of a State, migrates to another State. For then **he becomes subject to the laws of the State in which he lives**, and he is no longer a citizen of the State from which he removed. And **the State in which he resides may then, unquestionably, determine his status** or condition, **and place him among the class of persons who are not recognized as citizens**, but belong to an inferior and subject race; and may deny him the privileges and immunities enjoyed by its citizens."

"For example, no one, we presume, will contend that Congress can make any law in a Territory respecting the establishment of religion, or the free exercise thereof,

or abridging the freedom of speech or of the press, or the right of the people of the Territory peaceably to assemble, and to petition the Government for the redress of grievances. Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel any one to be a witness against himself in a criminal proceeding. These powers, and others, in relation to rights of person, which it is not necessary here to enumerate, are, in express and positive terms, denied to the General Government; and the rights of private property have been guarded with equal care. Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law."

"More especially, it cannot be believed that the large slaveholding States regarded them as included in the word 'citizens', or would have consented to a Constitution which might compel them to receive them in that character from another State. For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them **the full liberty of speech** in public and in private upon all subjects upon which its own citizens might speak; **to hold public meetings** upon political affairs, and to **keep and carry arms wherever they went.**"

**"if persons of the African race are citizens of a State, and of the United States, they would be entitled to all of these privileges and immunities in every State, and the State could not restrict them;** for they would hold these privileges and immunities under the paramount authority of the Federal Government, and its courts would be bound to maintain and enforce them, the Constitution and laws of the State to the contrary notwithstanding."

<http://www.tourolaw.edu/patch/Scott>

Thus, the Framers of the Fourteenth Amendment supposed that the "privileges and immunities of citizens of the United States" included the rights set forth in the Bill of Rights; including especially those explicitly recited by the Supreme Court in Dred Scott: Freedom of Speech [1st Amendment], The right of the People to "keep and carry arms" [2nd Amendment], and the Right to Peaceably Assemble [1st Amendment].

It was this understanding of the "Privileges and Immunities" of the "citizens of the United States" language in the 14th Amendment that the draftsmen of the Fourteenth Amendment reported to the Congress that proposed the present Fourteenth Amendment. You must READ the Opinion and Appendix of Justice Black in Adamson v. California, 332 U.S. 46 (1947). <http://guncite.com/court/fed/sc/332us92.html>

As Justice Black later noted, the five men on the majority of the Supreme Court who opined

that the "privileges and immunities" clause of the Fourteenth Amendment did not change the Law at all, implying that Federal Court enforcement of the Bill of Rights against the States was (still) not among the "privileges and immunities of citizens of the United States" did not read nor witness the debates in Congress that produced the amendment. The Dissenters however, did explicitly argue that the "that the Bill of Rights was applicable to the States" <http://guncite.com/court/fed/sc/332us79.html> even though the facts of the case did not directly raise that issue.

As Justice Black explained:

"In 1872, four years after the Amendment was adopted, the *Slaughter-House* cases came to this Court. *16 Wall. 36*. The Court was not presented in that case with the evidence which showed that the special sponsors of the Amendment in the House and Senate had expressly explained one of its principal purposes to be to change the Constitution as construed in *Barron v. Baltimore, supra*, and make the Bill of Rights applicable to the states. [75.6] Nor was there reason to do so. For the state law under consideration in the *Slaughter-House* cases was only challenged as one which authorized a monopoly, and the brief for the challenger properly conceded that there was "no direct constitutional provision against a monopoly." [76.7] The argument did not invoke any specific provision of the Bill of Rights, but urged that the state monopoly statute violated "the natural right of a person" to do business and engage in his trade or vocation. ... The Court did not meet the question of whether the safeguards of the Bill of Rights were protected against state invasion by the Fourteenth Amendment." <http://www.guncite.com/court/fed/sc/332us68.html>

Nevertheless, the Senators who framed and proposed the Fourteenth Amendment understood the Slaughter-house Cases decision as rendering the "privileges and immunities" clause of the Fourteenth Amendment as a "nullity", (and so it remains today, a nullity, effecting no change to the law).

The Senators thus went forth and advocated further for securing the Bill of Rights of Americans as against the states, a quest started by Madison himself. One example of that effort was the Blaine Amendment.

The "Blaine Amendment" was apparently drafted and proposed in 1875, AFTER (and in response to) the Supreme Court's shocking *obiter dicta* in the 1873 Slaughter-House cases opinion:

"The term Blaine Amendment refers to amendments or provisions that exist in most state constitutions in the United States that forbid direct government aid to educational institutions that have any religious affiliation. The amendments are named after James G. Blaine (1830-1893), a former Speaker of the United States House of Representatives, who led a campaign to have the provision added to the United States Constitution. **In 1875**, the proposed amendment passed by a vote of 180 to 7 in the House of Representatives, but failed to achieve the necessary two-thirds majority by four votes in the United States Senate:

"No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect; nor shall any money so raised or lands so devoted be divided between religious sects or denominations."

[http://en.wikipedia.org/wiki/Blaine\\_Amendment](http://en.wikipedia.org/wiki/Blaine_Amendment)

This chronology tends to confirm Justice Black's conclusion that an "original purpose" of the Fourteenth Amendment was to empower Congress and the Federal Courts to enforce the Bill of Rights as against the States.

Mark Ferran, BSEE *scl* JD *mcl*  
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P.S. Concerning the contention that the Southern States were unlawfully coerced into ratifying the Fourteenth Amendment as a condition for their re-admission into the Union that they seceded from: The Law of Nations governing the status of conquered States, supports the Victor's right to dictate the terms of any Peace Treaty, such as was the Fourteenth Amendment. The Contemporary view of the status of the defeated southern States in 1866 was as follows:

"From the time these Confederate States thus withdrew from their representation in Congress and levied war against the United States, the great mass of their people became and were insurgents and traitors, and all of them assumed and occupied the political, legal, and practical relation of enemies of the United States. They persisted in their hostility until they were utterly defeated. The burden now rests upon them, before claiming to be reinstated in their power, conditions to show that they are qualified to resume Federal relations. In order to do this they must prove that they **have re-established** with the consent of the peoples **republican forms of government**, in harmony with the Constitution and laws of the United States, that all hostile purposes have ceased, and **should give adequate guarantees against future treason and rebellion**, which will prove satisfactory to the Government against which they rebelled, and by whose arms they were subdued. They have forfeited all civil and political rights under the Federal Constitution, and can only be restored thereto by the permission and authority of that constitutional power against which they rebelled, and by which they were subdued." <http://www.impeach-andrewjohnson.com/05AJFirstVeto/iii-14.htm>

The Framers knew that Equality Before the Law was "a principal of Republicanism" and it was essential to compel the states to respect that American Birthright. They also knew that:

"Before this amendment and the thirteenth amendment were adopted, the States had supreme authority over all these matters, and the National government, except in a few particulars, could afford no protection to the individual against arbitrary and oppressive legislation. After the civil war had closed, the same authority was asserted, and, in the States recently in insurrection, was exercised to the oppression of the freedmen; **and towards citizens of the North seeking residence there**, or citizens resident there who had **maintained their loyalty during the war** for nationality, a feeling of jealousy and dislike existed which could not fail soon to find expression in discriminating and hostile legislation. It was to prevent the possibility of such legislation in future, and its enforcement where already adopted, that the fourteenth amendment was directed. It grew out of the feeling that a union which had been maintained by such costly sacrifices was, after all, worthless if a citizen could not be protected in all his fundamental rights everywhere- North and South, East and West-throughout the limits of the Republic. The amendment was not, as held in the opinion of the majority, primarily intended to confer citizenship on the negro race. It had a much broader purpose; it was intended to justify legislation, extending the protection of the National government over the common rights of all citizens of the United States, and thus obviate objections to the legislation adopted for the protection of the emancipated race. It was intended to make it possible for all persons, which necessarily included those of every race and color, to live in peace and security wherever the jurisdiction of the nation reached. It, therefore, recognized, if it did not create, a National citizenship, and made all persons citizens except those who preferred to remain under the protection of a foreign government; and declared that their privileges and immunities, which embrace the fundamental rights belonging to citizens of all free governments, should not be abridged by any State. This National citizenship is primary, and not secondary. It clothes its possessor, or would do so if not shorn of its efficiency by construction, with the right, when his privileges and immunities are invaded by partial and

discriminating legislation, to appeal from his State to his Nation, and gives him the assurance that, for his protection, he can invoke the whole power of the government.

"This case was considered by the court in connection with the Slaughter-House Cases, although its decision has been so long delayed. I have felt, therefore, called upon to point out the distinction between this case and those cases, and as there has been some apparent misapprehension of the views of the dissenting judges, to restate the grounds of their dissent."

BARTEMEYER v. STATE OF IOWA, 85 U.S. 129 (1873), opinion of Mr. Justice BRADLEY, concurring.  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=85&invol=129>

----- Original Message -----

**From:** [Jon Roland](#)

**To:** [AMOJ\\_MAIN@yahoo.com](mailto:AMOJ_MAIN@yahoo.com)

**Sent:** Tuesday, February 07, 2006 8:45 AM

**Subject:** [Lex\_Rex] Re: [AMOJ\_MAIN] Fourteenth Amendment & Citizenship explained, by Mark Ferran  
[www.billstclair.com/ferran](http://www.billstclair.com/ferran)

Mr. Johnson asks a good question, one that deserves more attention by legal historians, so I am copying this to other lists for your consideration.

The principal author of the 14th was Rep. John Bingham of Ohio, and he is the main source of the speeches and writings that explain the 14th as extending the jurisdiction of the federal courts to all the rights protected by the Constitution as amended by the Bill of Rights.

There was, however, a problem with the way the 14th was worded, and many felt, especially after \_ the Slaughterhouse Cases 83 U.S. 36 (1873), that the wording did not make it clear which immunities (rights) were included, especially given the way the First Amendment was worded. Thus the Blaine Amendment, to provide that clarification.

M.A. Johnson wrote:

>>As explained by Jon Roland, of the Constitution Society, the  
 >>language of the Fourteenth Amendment was "intended by the framers of  
 >>the Fourteenth to extend the jurisdiction and protection of federal  
 >>courts to all rights recognized by the Constitution and Bill of  
 >>Rights against actions by state government."  
 >>[http://www.constitution.org/col/intent\\_14th.htm](http://www.constitution.org/col/intent_14th.htm)

>

> if what Mr. Roland

> claims were true, why the longstanding effort (by many of the  
 > same Persons that saddled us with the 14th) to provide the  
 > Blaine Amendment, for instance?

>

> [Proposed by Senator Frelinghuysen, former Attorney General  
 > of New Jersey and a leader of the Congress which had passed  
 > the Fourteenth Amendment.]

>

> The [Blaine Amendment] very properly extends the

- > prohibition of the first amendment of the Constitution
- > to the States. Thus the [Blaine Amendment] prohibits
- > the States, for the first time, from the establishment
- > of religion, from prohibiting its free exercise, and
- > from making any religious test a qualification to office.
- >