United States, and rights secured by treaty.[19] In *Twining v. New Jersey*,[20] the Court recognized "among the rights and privileges" of national citizenship the right to pass freely from state to state,[21] the right to petition Congress for a redress of grievances,[22] the right to vote for national officers,[23] the right to enter public lands,[24] the right to be protected against violence while in the lawful custody of a United States marshal,[25] and the right to inform the United States authorities of violation of its laws.[26] Earlier, in a decision not mentioned in *Twining*, the Court had also acknowledged that the carrying on of interstate commerce is "a right which every citizen of the United States is entitled to exercise."[27]

In modern times, the Court has continued the minor role accorded to the clause, only occasionally manifesting a disposition to enlarge the restraint that it imposes upon state action.[28] In *Hague v. CIO*,[29] two and perhaps three justices thought that the freedom to use municipal streets and parks for the dissemination of information concerning provisions of a federal statute and to assemble peace-

---

[19] 83 U.S. at 79–80.

[20] 211 U.S. 78, 97 (1908).

[21] *Citing* Crandall v. Nevada, 73 U.S. (6 Wall.) 35 (1868). It was observed in United States v. Wheeler, 254 U.S. 281, 299 (1920), that the statute at issue in *Crandall* was actually held to burden directly the performance by the United States of its governmental functions. *Cf.* Passenger Cases (Smith v. Turner), 48 U.S. (7 How.) 283, 491–92 (1849) (Chief Justice Taney dissenting). Four concurring Justices in Edwards v. California, 314 U.S. 160, 177, 181 (1941), would have grounded a right of interstate travel on the privileges or immunities clause. More recently, the Court declined to ascribe a source but was content to assert the right to be protected. United States v. Guest, 383 U.S. 745, 758 (1966); Shapiro v. Thompson, 394 U.S. 618, 629–31 (1969). Three Justices ascribed the source to this clause in Oregon v. Mitchell, 400 U.S. 112, 285–87 (1970) (Justices Stewart and Blackmun and Chief Justice Burger, concurring in part and dissenting in part).

[22] *Citing* United States v. Cruikshank, 92 U.S. 542 (1876).

[23] *Citing Ex parte* Yarbrough, 110 U.S. 651 (1884); Wiley v. Sinkler, 179 U.S. 58 (1900). Note Justice Douglas' reliance on this clause in Oregon v. Mitchell, 400 U.S. 112, 149 (1970) (concurring in part and dissenting in part).

[24] *Citing* United States v. Waddell, 112 U.S. 76 (1884).

[25] *Citing* Logan v. United States, 144 U.S. 263 (1892).

[26] *Citing In re* Quarles and Butler, 158 U.S. 532 (1895).

[27] Crutcher v. Kentucky, 141 U.S. 47, 57 (1891).

[28] Colgate v. Harvey, 296 U.S. 404 (1935), which was overruled five years later, *see* Madden v. Kentucky, 309 U.S. 83, 93 (1940), represented the first attempt by the Court since adoption of the Fourteenth Amendment to convert the Privileges or Immunities Clause into a source of protection of other than those "interests growing out of the relationship between the citizen and the national government." In *Harvey*, the Court declared that the right of a citizen to engage in lawful business in other states, such as by entering into contracts or by loaning money, was a privilege of national citizenship, and this privilege was abridged by a state income tax law which excluded interest received on money from loans from taxable income only if the loan was made within the state.

[29] 307 U.S. 496, 510–18 (1939) (Justices Roberts and Black; Chief Justice Hughes may or may not have concurred on this point. Id. at 532). Justices Stone and Reed preferred to base the decision on the Due Process Clause. Id. at 518.