

Supplementary Material

Chapter 4: The Early National Era – Democratic Rights/Citizenship

---

**Expatriation**

---

Federalists and Jeffersonians vigorously disputed whether citizens of the United States had a right to emigrate without official permission. Federalists opposed expatriation. The Supreme Judicial Court of Massachusetts in *Ainslie v. Martin* (1813) asserted,

by the common law no subject can expatriate himself.

Protection and allegiance are reciprocal. The sovereign cannot refuse his protection to any subject, nor discharge him from his allegiance against his consent; and he will remain a subject, unless disfranchised as a punishment for some crime. So, on the other hand, he can never discharge himself from his allegiance to his sovereign, unless the protection which is due to him from the laws is unjustly denied him.

Jeffersonians insisted that persons had a fundamental right to abandon previous national allegiances. The Supreme Court of Appeals of Virginia in *Murray v. McCarty* (1811) maintained that

Nature has given to all men the right of relinquishing the society in which birth or accident may have thrown them; and of seeking subsistence and happiness elsewhere; and it is believed that this right of emigration, or expatriation is one of those “inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive, or devest their posterity”.

Jeffersonians in the 1810s proposed various bills that granted expatriation rights. Those bills were not voted on.