

fundamental right to travel - American Bar Association

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Do You Have a Right to Travel?

Quote 1 Articles of Confederation (1781):... the free inhabitants of each of these states ... shall be entitled to privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, .

Quote 2 Chief Justice Melville Fuller, in *Williams v. Fears* (1900):... Undoubtedly, the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the Fourteenth Amendment and by other provisions of the Constitution. ...

Quote 3 Justice Robert Jackson, concurring opinion in *Edward v. California* (1941):... The right of the citizen to migrate from state to state ... is not, however, an unlimited one. In addition to being subject to all constitutional limitations imposed by the federal government, such citizen is subject to some control by state governments. He may not, if a fugitive from justice, claim freedom to migrate unmolested, nor may he endanger others by carrying contagion about. These causes, and perhaps others that do not occur to me now, warrant any public authority in stopping a man where it finds him and arresting his progress across a state line quite as much as from place to place within the state.

Quote 4 Universal Declaration of Human Rights (1948): Article 13(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country

Quote 5 Justice William Douglas, *Kent v. Dulles* (1958):... The right to travel is a part of the “liberty” of which the citizen cannot be deprived without due process of law under the Fifth Amendment. ... Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country, may be necessary for a livelihood. It may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values. ..