

## KEY CONSTITUTIONAL CLAUSES

**Bill of Attainder Clause Article I, §9, clause 3:** No bill of attainder ... shall be passed.

- **Translation:** Congress cannot pass a law that singles out a person for punishment without trial.

**Commerce Clause Article I, §8, clause 3:** The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

- **Translation:** Congress can regulate trade between nations, between states, and among Indian tribes.

**Contracts Clause Article I, §10, clause 1:** No state shall ... pass any ... law impairing the obligation of contracts ...

- **Translation:** No state can interfere with the execution of contracts. For example, a state could not pass a law that declares all debts to be null and void.

**Due Process Clause 5th Amendment:** No person shall ... be deprived of life, liberty, or property, without due process of law;

- **Translation:** The national government must observe fair procedures when it denies a person life, liberty, or property.

**Due Process Clause 14th Amendment:** ... nor shall any state deprive any person of life, liberty, or property, without due process of law.

- **Translation:** State governments must observe fair procedures when they deny a person life, liberty, or property.

**Elastic Clause Article I, §8, clause 18:** The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers ...

- **Translation:** Congress can exercise powers not specifically stated in the Constitution if those powers are "necessary and proper" for carrying out its expressed powers that are specifically stated.

**Equal Protection Clause 14th Amendment:** ...nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws.

- **Translation:** States cannot unreasonably discriminate against individuals. They must treat people "equally."

**Establishment Clause 1st Amendment:** Congress shall make no law respecting an establishment of religion.

- **Translation:** Congress cannot establish an "official" religion. This, in effect, provides for separation of church and state.

**Ex Post Facto Clause Article I, §9, clause 3:** No ... ex post facto law shall be passed.

- **Translation:** Congress cannot pass a law that punishes a person retroactively, i.e., after the fact. In other words, a person cannot be punished for something he/she did that was not a crime when committed.

**Extradition Clause Article IV, §2, clause 2:** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

- **Translation:** An accused person who flees to another state must be returned to the state in which he/she allegedly committed the crime.

**Free Exercise Clause 1st Amendment:** Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof ...

- **Translation:** Congress cannot pass laws that ban freedom of worship.

**Full Faith and Credit Clause Article IV, §1:** Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

- **Translation:** A state must recognize the validity of the public acts, records, and court decisions of other states. For example, a state must recognize as valid the birth certificate issued by another state.

**Preamble:** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

- **Translation:** This introduction to the Constitution identifies its broad purposes.

**Privileges & Immunities Clause Article IV, §2, clause 1:** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

- **Translation:** A state cannot unreasonably discriminate against citizens of other states.

**Reserved Power Clause 10th Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

- **Translation:** Any power that is not granted to the national government, or denied to the states, automatically reverts to the states.

**Search & Seizure Clause 4th Amendment:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- **Translation:** This is a protection against unreasonable search and seizure. The authorities do not have a general power to search and arrest individuals at any time, at any place, and in any manner; rather, they can only do so according to specified procedures that must be "reasonable."

**Supremacy Clause Article VI, clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

- **Translation:** Federal law is supreme over state law.

**Takings Clause 5th Amendment:** ... nor shall private property be taken for public use, without just compensation.

- **Translation:** Government can take private property for a public purpose, but it must provide fair compensation to the owners of that property.
- **Eminent Domain**