

Legal Definitions

Attainder

The loss of all civil rights by a person sentenced for a serious crime.

In the context of the Constitution, a Bill of Attainder is meant to mean a bill that has a negative effect on a single person or group (for example, a fine or term of imprisonment). Originally, a Bill of Attainder sentenced an individual to death, though this detail is no longer required to have an enactment be ruled a Bill of Attainder.

Domestic Tranquility

One of the concerns of the Framers was that the government prior to that under the Constitution was unable, by force or persuasion, to quell rebellion or quarrels amongst the states. The government watched in horror as Shay's Rebellion transpired just before the Convention, and some states had very nearly gone to war with each other over territory (such as between Pennsylvania and Connecticut over Wilkes-Barre). One of the main goals of the Convention, then, was to ensure the federal government had powers to squash rebellion and to smooth tensions between states.

Double Jeopardy

Double jeopardy is a term used in law. Double jeopardy is forbidden by the Constitution. Double jeopardy is what would happen if someone were to be charged with a crime and be found innocent, and then be charged with that crime a second time. For example, if you are charged with stealing a car, and a jury finds you innocent, you cannot be charged with stealing the car again.

Ex post facto

ex post facto *adj.* Formulated, enacted, or operating retroactively

In U.S. Constitutional Law, the definition of what is ex post facto is more limited. The first definition of what exactly constitutes an ex post facto law is found in *Calder v Bull* (3 US 386 [1798]), in the opinion of Justice Chase:

1st. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action. 2d. Every law that aggravates a crime, or makes it greater than it was, when committed. 3d. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. 4th. Every law that alters the legal rules of evidence, and receives less, or different, testimony, than the law required at the time of the commission of the offense, in order to convict the offender.

Habeas Corpus

habeas corpus *n. Law* A writ issued to bring a party before a court to prevent unlawful restraint. [Latin., you should have the body]

The basic premise behind habeas corpus is that you cannot be held against your will without just cause. To put it another way, you cannot be jailed if there are no charges against you. If you are being held, and you demand it, the courts must issue a writ of habeas corpus, which forces those holding you to answer as to why. If there is no good or compelling reason, the court must set you free. It is important to note that of all the civil liberties we take for granted today as a part of the Bill of Rights, the importance of habeas corpus is illustrated by the fact that it was the sole liberty thought important enough to be included in the original text of the Constitution.

Infringe

infringe *vb* [Latin *infringere*] 1: violate, transgress 2: encroach, trespass *Source: NMW*

In the context of the Constitution, phrases like "shall not be infringed," "shall make no law," and "shall not be violated" sound pretty unbendable, but the Supreme Court has ruled that *some* laws can, in fact, encroach on these phrases. For example, though there is freedom of speech, you cannot slander someone; though you can own a pistol, you cannot own a nuclear weapon.

Letter of Marque

A letter of marque was issued by a nation to a privateer or mercenary to act on the behalf of that nation for the purpose of retaliating against another nation for some wrong, such as a border incursion or seizure.

Poll Tax

A poll tax has had two historical meanings. The older is that of a fee that had to be paid to satisfy taxpayer requirements in voting laws. In some places, only people who could demonstrate a financial tie to a community were permitted to vote in that community. For those who did not otherwise own property or pay taxes, this sort of poll tax was sufficient to allow voting. More recently, however, a poll tax is a tax that must be paid by anyone wishing to cast a vote. Poll taxes of this sort were generally low, perhaps a dollar or two, but high enough to make voting uneconomical for poor people. The 24th Amendment bars both of these types of poll tax.

Posterity

1. Future generations. 2. All of a person's descendants. [<Lat. *posteritas*.]

Pro tempore

pro tempore *adv.* For the time being; temporarily. Also: Pro tem.

Quorum

quorum *n.* the number of members required to be present for business to be legally conducted .

Republic

1 : a government having a chief of state who is not a monarch and is usually a president; also : a nation or other political unit having such a government **2** : a government in which supreme power is held by the citizens entitled to vote and is exercised by elected officers and representatives governing according to law; also : a nation or other political unit having such a form of government

In the context of the United States, both definitions apply.

Treason

treason *n* the offense of attempting to overthrow the government of one's country or of assisting its enemies in war.

Welfare

1. Health, happiness, or prosperity; well-being. [*wel faren*, to fare well]

Welfare in today's context also means organized efforts on the part of public or private organizations to benefit the poor, or simply public assistance. This is not the meaning of the word as used in the Constitution.

<http://www.usconstitution.net/glossary.html>