

The Constitutional Dictionary

Source: usconstitution.net/glossary

This document contains words, phrases, and concepts used in the United States Constitution.

AHD

[American Heritage Dictionary](#)

NMW

[The New Merriam-Webster Dictionary](#)

FWE

[Funk and Wagnall's Encyclopedia](#)

Adjournment

adjourn *v.* 1. To suspend until a later stated time. [<OFr. *ajourner*] **adjournment** *n.* Source: AHD

Appellate

appellate *adj* having power to review decisions of lower courts Source: NMW

Apportionment

apportion *v.* to distribute proportionately Source: NMW

In the context of the Constitution, apportionment means that each state gets a number appropriate to its population. For example, Representatives are apportioned among the states, with the most populous getting the greater share. Direct taxes (of which there are none today) were to be charged to the states in this manner as well.

The need for apportionment of taxes, and the reason for it, is difficult for us to imagine today, but there were good reasons for it. The following is an explanation of the need for the Direct Tax Apportionment clause. It was written by Supreme Court Justice Paterson in *Hylton v US* (3 US 171 [1796]):

The constitution declares, that a capitation tax is a direct tax; and both in theory and practice, a tax on land is deemed to be a direct tax... The provision was made in favor of the southern states; they possessed a large number of slaves; they had extensive tracts of territory, thinly settled, and not very productive. A majority of the states had but few slaves, and several of them a limited territory, well settled, and in a high state of cultivation. The southern states, if no provision had been introduced in the constitution, would have been wholly at the mercy of the other states. Congress in such case, might tax slaves, at discretion or arbitrarily, and land in every part of the Union, after the same rate or measure: so much a head, in the first

instance, and so much an acre, in the second. To guard them against imposition, in these particulars, was the reason of introducing the clause in the constitution.

Attainder

attainder *n.* The loss of all civil rights by a person sentenced for a serious crime. [*< OFr. *attaindre*, to convict*] *Source: AHD*

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.

Bill of Credit

A bill of credit is some sort of paper medium by which value is exchanged between the government and individuals. Money is a bill of credit, but a bill of credit need not be money. An interest-bearing certificate that was issued by Missouri, and usable in the payment of taxes, was thus ruled to be an unconstitutional bill of credit.

Concurrence

concur *v.* 1. To have the same opinion; agree [*<Lat. *concurrere*. to meet*] **concurrence** *n.* *Source: AHD*

Corruption of Blood

Corruption of Blood was part of ancient English penalty for treason. It was usually part of a Bill of Attainder, which normally sentenced the accused to death. The corruption of blood would forbid the accused's family from inheriting his property. Such bills and punishments were often inflicted upon Tories by colonial governments immediately following independence. *Source: 381 US 437*

Deprive

deprive *v.* 1. To take something away from; divest. 2. To keep from the possession of something. [*<Med. Lat. *deprivare**] *Source: AHD*

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 is 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.

Emolument

emolument *n* [ME, fr. L *emolumentum*, lit., miller's fee, fr *emolere* to grind up] : the product (as salary or fees) of an employment *Source: NMW*

Enumerate

enumerate *vb* 1 : to determine the number of : count 2 : list *Source: NMW*

Excise

excise *n* a tax on the manufacture, sale, or consumption of goods within a country *Source: NMW*

Ex post facto

ex post facto *adj.* Formulated, enacted, or operating retroactively. [Med Lat., from what is done afterwards] *Source: AHD*

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. [*<Med. Lat., you should have the body*] *Source: AHD*

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.

Impartial

impartial *adj.* Not partial or biased; unprejudiced. *Source: AHD*

Impeachment

Impeachment, in the U.S. and Great Britain, proceeding by a legislature for the removal from office of a public official charged with misconduct in office. Impeachment comprises both the act of formulating the accusation and the resulting trial of the charges; it is frequently but erroneously taken to mean only the removal from office of an accused public official. An impeachment trial may result in either an acquittal or in a verdict of guilty. In the latter case the impeached official is removed from office; if the charges warrant such action, the official is also remanded to the proper authorities for trial before a court. *Source: FWE*

Impost

impost *n* tax, duty *Source: NMW*

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.

Jurisdiction

jurisdiction *n* the power, right, or authority to interpret and apply the law : the limits or territory within which authority may be exercised *Source: NMW*

Letter of Marque

Archaic. 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.

Nobility, Title of

Nobility is technically a station in society that is had simply by being born into the right family. The class of persons, well-characterized by the aristocracy of Great Britain, were considered to be higher in status and power because of the family name. A title of nobility indicated that status, where a person was a king, queen, prince, princess, count, countess, duke, duchess, baron, or baroness; these titles were granted by the monarch at some point in the family history and passed from parent to child. The Framers wished to ensure that no such system of heredity developed in the United States and specifically prohibited any state or the federal government from granting any title of nobility. *Suggested by: Ian (board regular)*

Ordain

ordain *v.* 2. To order by or as if by decree. [*<Lat. ordinaire, to organize*] *Source: AHD*

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.

Post road

post road *n* a road over which mail is carried *Source: NMW*

Posterity

posterity *n*. 1. Future generations. 2. All of a person's descendants. [<Lat. *posteritas*.] *Source: AHD*

Pro tempore

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

Quarter

quarter *vb*. to provide with shelter *Source: NMW*

Quorum

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

Redress

redress *v*. 1. To set right, remedy or rectify. 2. To make amends for. *n*. 1. Satisfaction for wrong done; reparation. 2. Correction. [<OFr. *redresser*.] *Source: AHD*

Reprisal

Archaic. An act taken by a nation, short of war, to gain redress for an action taken against that nation. For example, seizing a ship in retaliation for a seized ship.

Republic

republic *n* **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 *Source: NMW*

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

Suffrage

suffrage *n.* 1. A vote. 2. The right or privilege of voting; franchise. *Source: AHD*

Treason

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

Welfare

welfare *n.* 1. health, happiness, or prosperity; well-being. [<ME *wel faren*, to fare well] *Source: AHD*

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.