

Major Constitutional Clauses

Necessary and Proper Clause

That this clause is an enlargement, not a constriction, of the powers expressly granted to Congress, that it enables the lawmakers to select any means reasonably adapted to effectuate those powers, was established by Marshall's classic opinion in *McCulloch v. Maryland*. "Let the end be legitimate," he wrote, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." Moreover, the provision gives Congress a share in the responsibilities lodged in other departments, by virtue of its right to enact legislation necessary to carry into execution all powers vested in the National Government. Conversely, where necessary for the efficient execution of its own powers, Congress may delegate some measure of legislative power to other departments.

Full Faith and Credit Clause

Full faith and credit is mutual understanding between courts of the 50 states of the United States to recognize, honor and enforce one another's actions. The doctrine is rooted in the United States Constitution.

Section one of Article Four of the United States Constitution is known as the Full Faith and Credit Clause. It was primarily intended to provide for the continuity between states and enforcement across state lines of non-federal laws, civil claims and court rulings. Without this clause, enforcement of state-to-state extradition, portability of court orders, nationwide recognition of legal status, out-of-state taxation, spousal and child support, and the collection of fees and fines would all be impossible without separate federal action, or a similar action by the other states.

Privileges or Immunities Clause

The Privileges or Immunities Clause is a provision of the Fourteenth Amendment to the United States Constitution. It is unique among constitutional provisions in that it was all but read out of the Constitution in a 5-4 decision of the Supreme Court (see *Slaughterhouse Cases* of 1873) and has remained almost dormant since. It was perhaps originally intended to incorporate the "first eight amendments" of the U.S. Bill of Rights against state laws, much of which has instead been achieved by means of "substantive due process."

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

The Supremacy Clause

Article VI, Paragraph 2 of the United States Constitution is known as the Supremacy Clause:

"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 Supreme Law of the land; and the Judges in every state shall be bound thereby, any thing in the Constitution or Laws of any state to the contrary notwithstanding."

The Supremacy Clause establishes the Constitution, Federal Statutes, and U.S. treaties as "the supreme law of the land." The Constitution is the highest form of law in the American legal system. State judges are required to uphold it, even if state laws or Constitutions conflict with it.