# The Strict Construction Argument

## Strict Construction means Interpreting the Constitution by exactly what it says, not what it may mean.

Answer the 3 judicial questions using strict construction theory only.

The relevant articles of the Constitution are as follows:

Article 1, Section 2: "Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

Article 1, Section 9: "The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

Article 4, Section 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."

Article 4, Section 2: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

Article 4, Section 2: "No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Article 4, Section 3: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

Article 6, Section 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."

1. Did Scott have the right to sue?

2. Was Scott free as a result of living in a state and territory where slavery was illegal?

3. Was it constitutional for the Congress to limit slavery in the territories?