

Ex Post Facto Laws and Bills of Attainder are Unconstitutional

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Article I of the United States Constitution prohibits Ex Post Fact Laws. An Ex Post Fact Law which is unconstitutional is one which makes certain actions a crime by legislation, after the action has already taken place. For a criminal statute to be valid, its content must be published in a way accessible to the general public, so that a reasonable person would know that the conduct in the criminal statute is prohibited by law. A law which is passed several days before and then is used against a person without the law being published or promulgated for the general public is still an Ex Post Fact Law.

Similarly, a Bill of Attainder is also unconstitutional under Article I of the United States Constitution. An unconstitutional Bill of Attainder is legislation which is directed against a specific person, often irrational, and often violative of the Equal Protection Clause. Violations of the above Constitutional provisions by the legislature can result in criminal sentences to an individual legislator under 18 United States Code Section 242.