

Understanding Article I | The Legislative Branch

The framers of the Constitution separated the powers of government into three branches, granting legislative power (the power to pass laws) to Congress, executive power (the power to enforce the laws) to the president, and judicial power (the power to interpret the laws) to the courts. The framers believed that this separation of powers would make sure that no one person or branch would be able to create, enforce and interpret the laws, and that each branch would be a check on the power of the other two branches.

Article I, Section 1 - "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives" The federal government's power is limited to what is written in the Constitution. These are known as "enumerated powers." If the Constitution does not specifically give a power to the federal government, the power is left to the states.

Article I, Section 1 requires that Congress be bicameral, that is, it should be divided into two houses, the Senate and the House of Representatives. The creation of two legislative houses reflected a compromise between the power of the states and the power of the people. The number of seats in the House of Representatives is based on population. The Senate gives power to the states equally, with two senators from each state.

Article I, Section 2 - This section specifies that the House of Representatives be composed of members who are chosen every two years by the people of the states. There are only three qualifications: a representative must be at least 25 years old, have been a citizen of the United States for at least seven years, and must live in the state from which he or she is chosen. Article I, Section 2, creates the way in which congressional districts are to be divided among the states. This section also establishes that every 10 years, every adult in the country must answer a survey. Based on the surveys, Congress must determine how many representatives (at least one required) are to come from each state and how federal resources are to be distributed among the states.

Article I, Section 2, also specifies other operating rules for the House of Representatives. The House of Representatives chooses its own speaker, who is in line to become president, if neither the president nor the vice president is able to serve. Lastly, this section specifies that only the House of Representatives holds the power of impeachment. House members may charge a president, vice president or any civil officer of the United States with certain high crimes. The trial on the charges is then held in the Senate.

Article I, Section 3 - The Senate, which now has 100 members, has two senators from each state. To be a senator, a person must be more than 30 years old, must have been an American citizen for at least nine years, and must live in the state he or she represents. Senators may serve for an unlimited number of six-year terms.

Senatorial elections are held on a staggered basis so that one-third of the Senate is elected every two years. The vice president of the United States is also the president of the Senate. He or she normally has no vote, but may vote in a tiebreaker if the Senate is divided on a proposed bill or nomination. The Senate also chooses officers to lead them through their work. One is the president pro tempore (president for a time), who presides over the Senate when the vice president is not available and is in the line of succession should the president or the vice president be unable to serve.

Although the House of Representatives brings charges of impeachment to remove a president, vice president or other civil officer, such as a federal judge, it is the Senate that is responsible for conducting the trial and deciding whether the individual is to be removed from office.

Article I, Section 4 - Article I, Section 4, gives state legislatures the task of determining how congressional elections are held. For example, the state legislature determines scheduling of an election, how voters may register and where they may cast their ballots. Congress has the right to change state rules and provide national protection for the right to vote. As a general rule, Congress determines how frequently it will meet. The Constitution provides only that it meet at least once a year. (Amendment 20, Section 2, now provides that the first meeting of Congress begins at noon on Jan. 3 of each year, unless the members specify differently.)

Article I, Section 5 - The House of Representatives and the Senate can each judge whether or not an election of one of their members is legitimate. The House and Senate can also establish their own rules, punish members for disorderly behavior and, if two-thirds agree, expel a member.

To do business, each chamber needs a majority of members present. A full majority need not vote, but must be present and capable of voting. Both bodies must keep and publish a journal of their proceedings, including how members voted. Congress may decide that some discussions and votes are to be kept secret, but if one-fifth of the members demand that a vote be recorded, it must be.

Article I, Section 6 - Members of Congress are to be paid for their work from the U.S. Treasury. To ensure the separation of powers among the legislative, judicial and executive branches of government, Article I, Section 6, prohibits, or forbids, a senator or representative from holding any other federal office during his or her service in Congress.

Article I, Section 7 - The House of Representatives must begin the process when it comes to raising and spending money. It is the house where all taxing and spending bills start and only the House may introduce a bill that involves taxes. This section also outlines the process of how a bill becomes law.

Article I, Section 8 - The powers of Congress are limited to those listed, or enumerated, and those that are "necessary and proper" or "implied" to carry them out. This is known as the elastic clause. All other law making powers are left, or delegated, to the states. The most important of the specific powers that the Constitution enumerates to Congress is the power to set taxes and other means of raising federal revenue, and to authorize the spending of all federal funds.

In addition, Congress has the power to regulate trade, coin money, create the postal service, army, navy and lower federal courts, and to declare war. Congress also has the responsibility of determining naturalization, how immigrants become citizens. Such laws must apply uniformly and cannot be modified by the states.

Article I, Section 9 - This section specifically prohibits Congress from legislating in certain areas. In the first clause, the Constitution bars Congress from banning the importation of slaves before 1808. In the second and third clauses, the Constitution specifically guarantees rights to those accused of crimes.

Article I, Section 9, also requires that Congress produce a regular accounting of the monies the federal government spends. It also specifically bans Congress from granting a title of nobility to any person and prohibits public officials from accepting a title of nobility, office, or gift from any foreign country or monarch without congressional approval.

Article I, Section 10 - This section limits the power of the states. States may not enter into a treaty with a foreign nation; that power is given to the president, with the advice and consent of two-thirds of the Senate present. States cannot make their own money, nor can they grant any title of nobility. No state, without approval from Congress, may collect taxes on imports or exports, build an army or keep warships in times of peace, nor otherwise engage in war unless invaded or in immediate danger.

Directions: Record notes containing the most important information relevant to the guiding question.

Directed Note-Taking Understanding Article I The Legislative Branch Page 1				
	Guiding Question: According to the reading what is the structure, function and power of the legislative branch?			
Introduction				
Section #	Key Terms	Add your notes to the appropriate column		
		Structure (Including Qualifications)	Function (Roles & Responsibilities)	Power
1	• • • •	•	X	•
2	• •	• • •	X	•
3	• •	•	• •	•
4	X	X	• •	•
5	X	•	X	X

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Section #	Key Terms	Add your notes to the appropriate column		
		Structure (Including Qualifications)	Function (Roles & Responsibilities)	Power
6	X	•	X	X
7	X	X	• •	•
8	• • • • • • • • • •	X	•	• • • •
9	X	X	• • • •	X
10	X	X	X	•