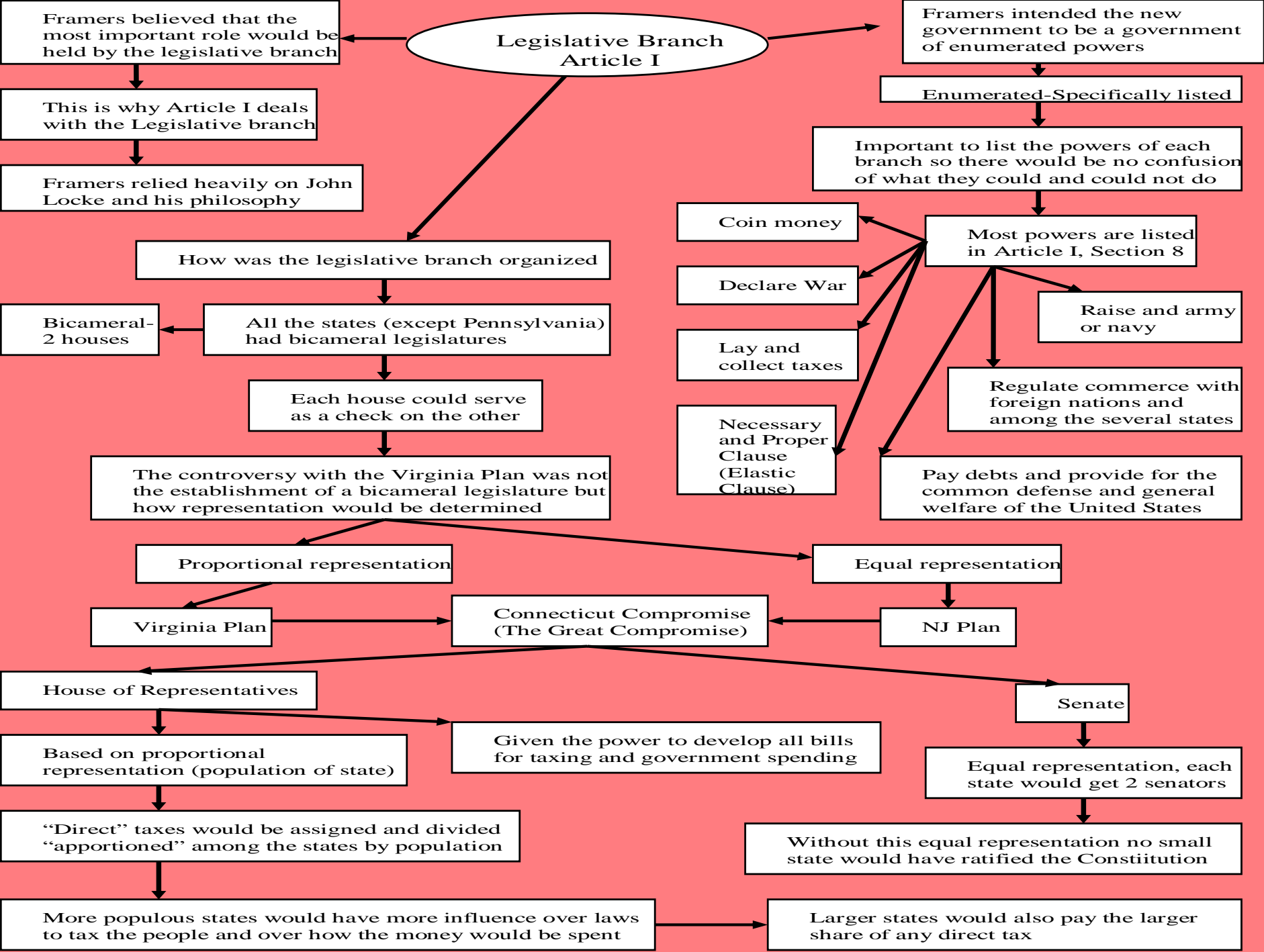


Legislative Branch

Standard 12.4.1: Discuss Article I of the Constitution as it relates to the legislative branch, including eligibility for office and lengths of terms of representatives and senators; election to office; the roles of the House and Senate in impeachment proceedings; the roll of the vice-president, the enumerated legislative powers; and the process by which a bill becomes a law



Legislative Branch Article I

Framers believed that the most important role would be held by the legislative branch

Framers intended the new government to be a government of enumerated powers

This is why Article I deals with the Legislative branch

Enumerated-Specifically listed

Framers relied heavily on John Locke and his philosophy

Important to list the powers of each branch so there would be no confusion of what they could and could not do

How was the legislative branch organized

Most powers are listed in Article I, Section 8

All the states (except Pennsylvania) had bicameral legislatures

Coin money

Declare War

Lay and collect taxes

Necessary and Proper Clause (Elastic Clause)

Raise and army or navy

Regulate commerce with foreign nations and among the several states

Bicameral- 2 houses

Each house could serve as a check on the other

Pay debts and provide for the common defense and general welfare of the United States

The controversy with the Virginia Plan was not the establishment of a bicameral legislature but how representation would be determined

Proportional representation

Equal representation

Virginia Plan

Connecticut Compromise (The Great Compromise)

NJ Plan

House of Representatives

Senate

Based on proportional representation (population of state)

Given the power to develop all bills for taxing and government spending

Equal representation, each state would get 2 senators

"Direct" taxes would be assigned and divided "apportioned" among the states by population

Without this equal representation no small state would have ratified the Constitution

More populous states would have more influence over laws to tax the people and over how the money would be spent

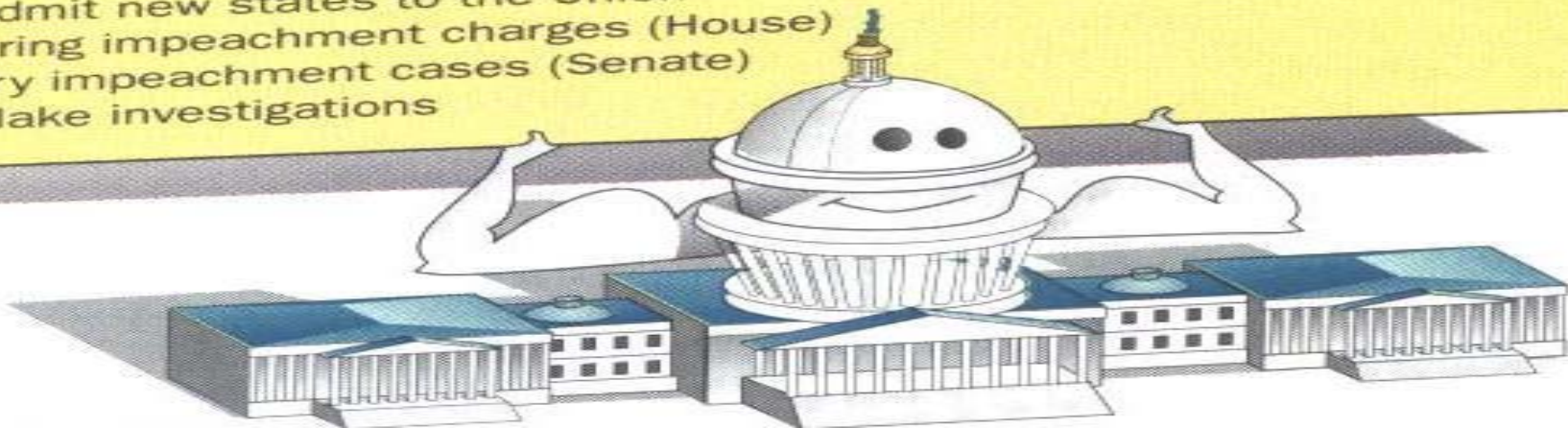
Larger states would also pay the larger share of any direct tax

Congress has the power to:

- Collect taxes
- Borrow money
- Regulate trade with foreign nations and among the states
- Make laws about naturalization and bankruptcy
- Coin money and set a standard of weights and measures
- Punish counterfeiters
- Establish post offices and highways
- Issue patents and copyrights
- Create federal courts
- Protect American ships at sea
- Declare war
- Raise an army
- Provide a navy
- Make rules for the armed forces
- Call up the National Guard
- Make rules for the National Guard
- Make laws for the District of Columbia
- Make laws necessary and proper to carry out powers listed above

Congress has other, nonlegislative powers to:

- Elect a President (House) and a Vice-President (Senate) if no candidate gets a majority in the electoral college
- Confirm appointments and treaties made by the President (Senate)
- Propose amendments to the Constitution
- Call conventions to propose amendments
- Admit new states to the Union
- Bring impeachment charges (House)
- Try impeachment cases (Senate)
- Make investigations



House of Representatives

- Members must be at least 25 years of age, a citizen for 7 years, and a must reside in the state from where he is elected
- Term of office is 2 years
- Number of representatives per state are proportional to the census that happens every 10 years
 - The minimum is 1 representative
- Has the power to Impeach federal officials (President, judges)

Senate

- Members must be at least 30 years of age, a citizen for 9 years, and a must reside in the state from where he is elected
- Term of office is 6 years
 - 1/3 of the Senators are up for re-election every 2 years, so not all the senators are up for re-election at the same time.
- 2 Senators per state
- Vice President is the President of the Senate, he has no vote unless there is a tie.
- Has the power to try all impeachments (2/3 majority)

How a Bill Becomes a Law

Except for money bills, a bill may be started in either house. It will then pass through each house before going to the President. The diagram shows the process

for a bill started in the House (red arrow) and a bill started in the Senate (blue arrow). In practice, a bill is often started in both houses at the same time.

