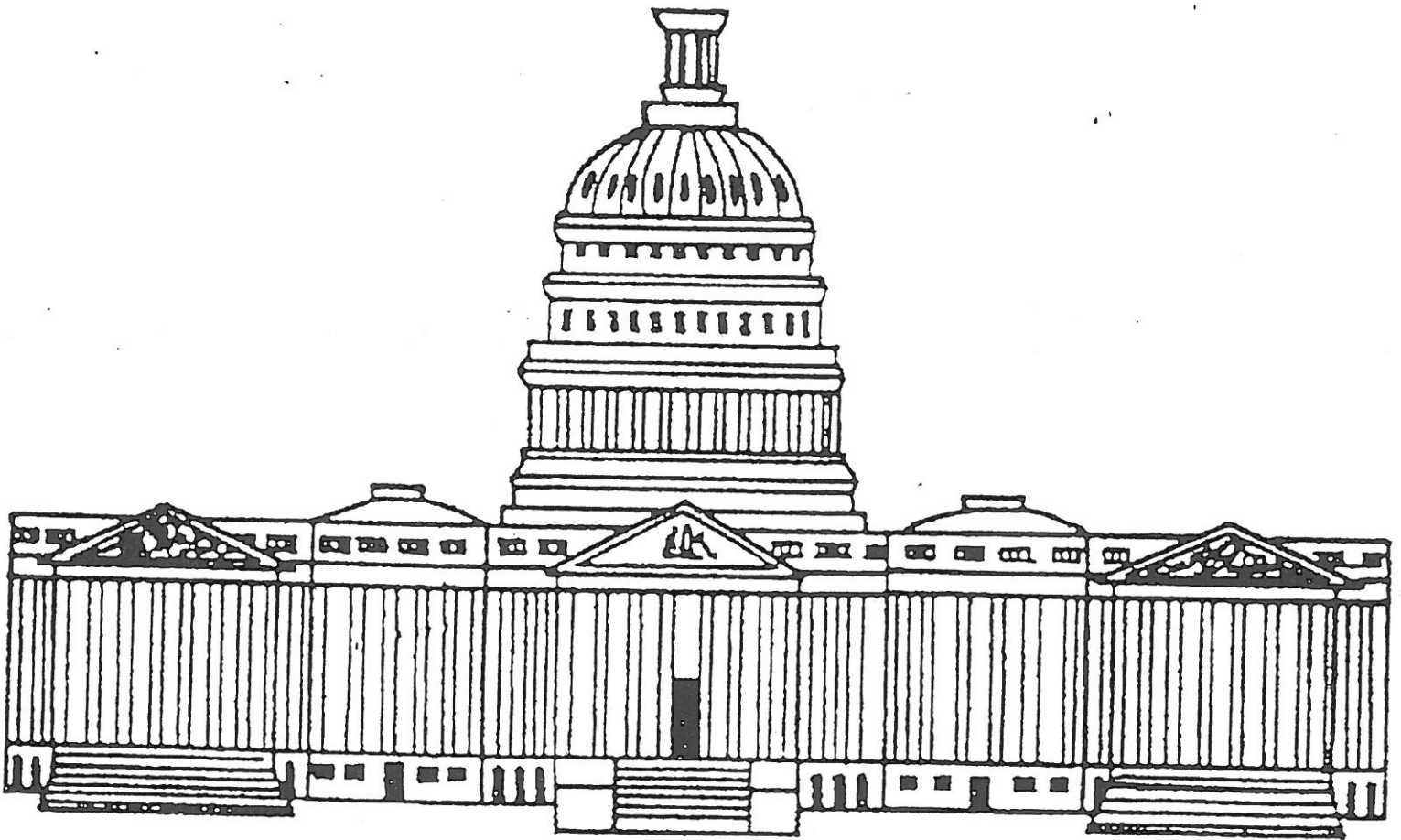
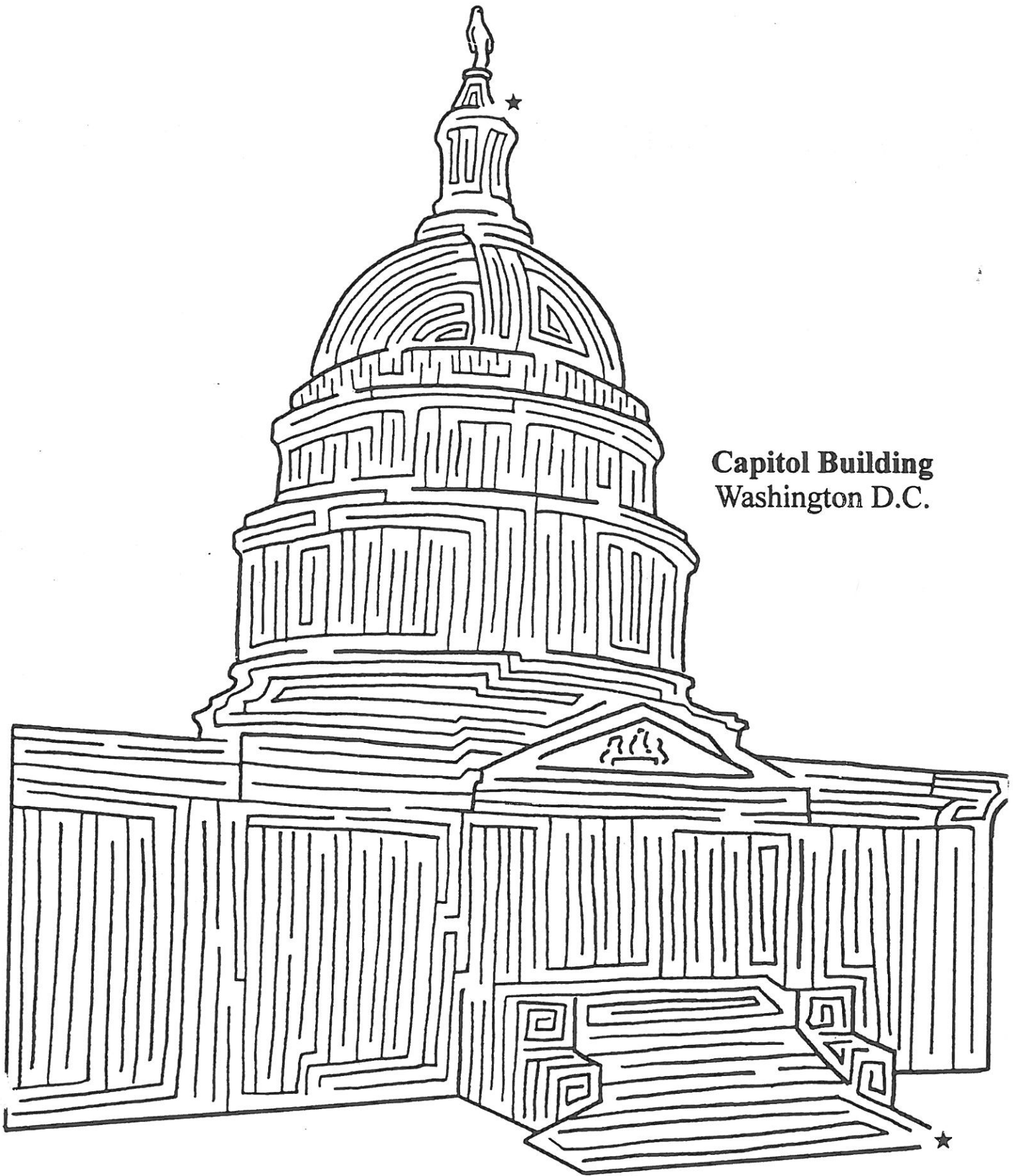


U.S. CONSTITUTION  
ARTICLE 1

THE LEGISLATIVE BRANCH



THE CONGRESS WORKS IN  
THE CAPITOL BUILDING.



**Capitol Building**  
Washington D.C.

## Article 1: The Legislative Branch

### The Legislative Branch

#### Section 1. A Two-Part Congress

The legislative branch has the power to make laws. This power is given to both the Senate and the House of Representatives.

#### Section 2. The House of Representatives

##### Clause 1. Election of Members

Members of the House are elected every two years by the people of the states. Short terms allow the people to quickly get rid of a representative they don't like.

##### Clause 2. Qualifications of Representatives

A member of the House must be:

- at least 25 years old
- a U.S. citizen for at least seven years
- a resident of the state from which elected

##### Clause 3. The Number of Representatives

The number of representatives from each state is based on the state's population. Originally, slaves were counted as three-fifths of a person. When slavery was ended by the Thirteenth Amendment in 1865, the three-fifths rule became meaningless.

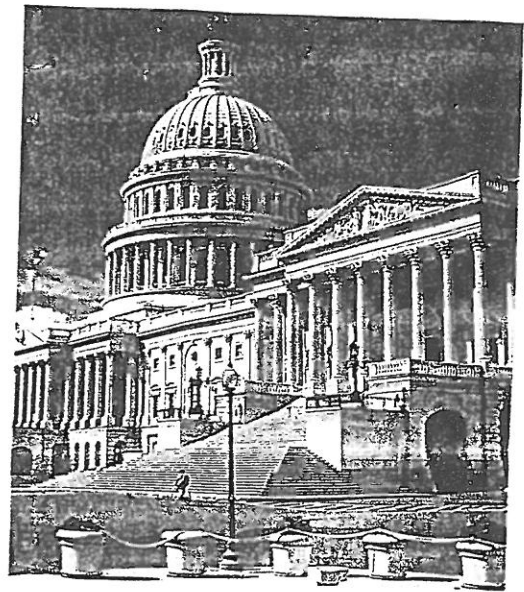
A census, or count of the people, must be taken every ten years. The results are used to apportion, or divide, House seats among the states. Each state must have at least one seat, no matter how small its population. Representatives within a state are elected from districts of roughly equal population. A typical House member now represents more than six hundred thousand persons.

##### Clause 4. Filling Vacancies

If a House seat becomes vacant between regular elections, the governor of that state can call a special election to fill the seat.

##### Clause 5. Impeachment Power

The Speaker of the House is the leading officer of the House. Only the House can impeach, or bring charges against, federal officials who have done wrong.



Congress meets in the Capitol building in Washington, D.C.

#### Section 3. The Senate

##### Clause 1. Elections

The Senate is made up of two Senators from each state. Originally Senators were elected by their state legislatures. Amendment 17, ratified in 1913, calls for the direct election of Senators by the voters of each state.

##### Clause 2. Terms of Office

Senate terms overlap. Every two years, one-third of the Senators end their terms and must either leave or stand for re-election. As a result, there are always experienced lawmakers in the Senate.

##### Clause 3. Qualifications of Senators

A member of the Senate must be:

- at least 30 years old
- a U.S. citizen for at least 9 years
- a resident of the state from which elected

##### Clause 4. President of the Senate

The Vice-President serves as president of the Senate, but votes only in case of a tie.

##### Clause 5. Election of Officers

The Senate elects officers, including a temporary, or *pro tempore* president. The president pro tem leads the Senate when the Vice-President is absent.

##### Clause 6. Impeachment Trials

The Senate serves as a jury in impeachment cases. A conviction requires a two-thirds vote of the members present.

##### Clause 7. Penalty for Conviction

If an impeached official is convicted of wrongdoing by the Senate, that person is removed from office. The Senate cannot impose any other punishment. The convicted official can, however, be tried in a regular court.

## Section 4. Elections and Meetings

### Clause 1. Congressional Elections

Each state regulates its own congressional elections, but Congress can change the regulations. In 1872 Congress required that every state hold elections on the same day.

### Clause 2. Meetings

Congress must meet once a year. Amendment 20, ratified in 1933, changed the first day of Congress to January 3.

## Section 5. Basics of Organization

### Clause 1. Attendance

Each house can judge whether new members have been elected fairly and are qualified. A quorum is the minimum number of members who can act for all. While discussion can go on without a quorum, a quorum is required for voting.

### Clause 2. Rules

Each house can:

- set up its own working rules
- punish members who misbehave
- expel a member with a two-thirds vote

### Clause 3. Record-keeping

Each house must keep written records of what is done at meetings. Since 1873 the journals of the House and Senate have been published in the *Congressional Record*.

### Clause 4. Ending Sessions

Both houses must agree to any adjournment, or ending of a session, for longer than three days.

## Section 6. Privileges and Restrictions

### Clause 1. Salaries and Privileges

The members of Congress can set their own salaries. When Congress is in session, members cannot be arrested except on certain criminal charges. While working on congressional business, members can write or say anything about anyone.

### Clause 2. Employment Restrictions

Members of Congress cannot create new federal jobs or increase the pay for old ones and then leave Congress to take those jobs. Nor can a member of Congress hold a job in one of the other branches of the federal government while serving in Congress.

## Section 7. How Bills Become Laws

### Clause 1. Tax Bills

All tax bills must begin in the House. The Senate, however, can thoroughly revise such bills.

### Clause 2. Submitting Bills to the President

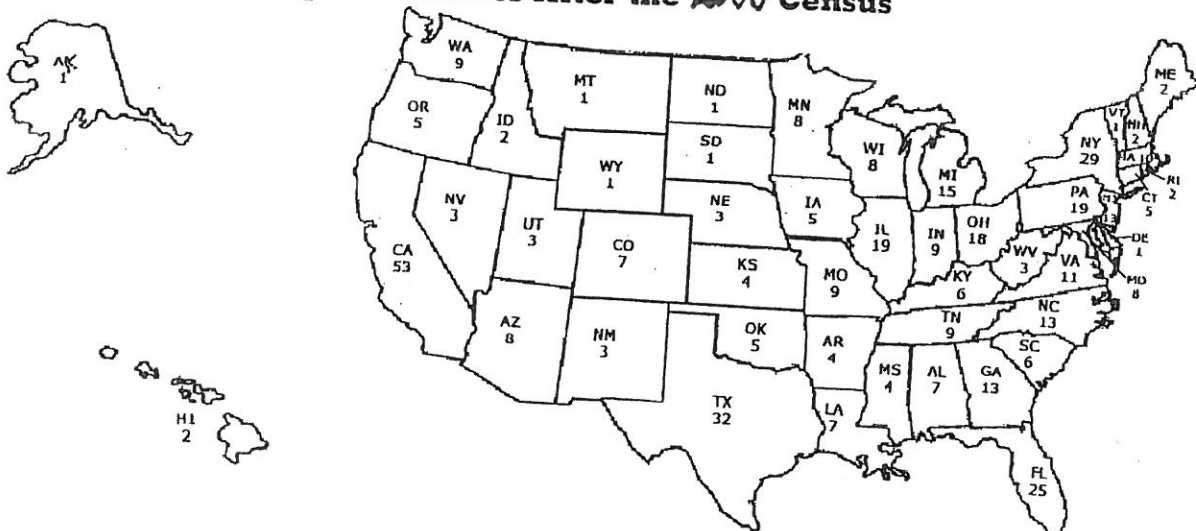
After Congress passes a bill, it goes to the President. The President can do one of three things at that point:

- Sign the bill, which then becomes law.
- Veto the bill and then return it to Congress with objections. If Congress overrides the President's veto by a two-thirds vote of both houses, the bill becomes law.
- Do nothing. In that case the bill becomes law after 10 days (not counting Sundays), provided Congress is in session. If Congress adjourns within 10 days, the bill dies. This method of killing a bill is called a pocket veto. A President may use it to avoid an open veto of a controversial bill.

### Clause 3. Submitting Other Measures

Any other measures that require agreement by both houses must go to the President for approval. Congress cannot avoid submitting bills to the President by calling them orders or resolutions. When such measures reach the President, they are treated as bills.

## Seats in the House of Representatives After the 2000 Census





**Congress has the power to decide how foreigners can become citizens. Here two new citizens attend a naturalization ceremony.**

## **Section 8. Powers of Congress**

Congress has the power to:

### **Clause 1. Taxation**

- impose and collect taxes and excises (taxes on products, such as cigarettes)
- collect duties (taxes on imported goods)

### **Clause 2. Borrowing**

- borrow money as needed

### **Clause 3. Regulating Trade**

- control trade with foreign nations, with Indian tribes, and between states

### **Clause 4. Naturalization; Bankruptcy**

- decide how foreigners can become citizens, a process called naturalization
- pass bankruptcy laws for the country (laws for those unable to pay their debts)

### **Clause 5. Coining Money**

- coin and print money
- define weights and measures so that they are the same across the country

### **Clause 6. Punishing Counterfeiting**

- punish people who make fake money or government bonds

### **Clause 7. Providing Postal Service**

- set up a postal system

### **Clause 8. Encouraging Invention**

- grant copyrights to authors and patents to inventors as a way of encouraging progress in science and the arts

### **Clause 9. Establishing Courts**

- establish a federal court system

### **Clause 10. Punishing Crimes at Sea**

- punish piracy and other crimes committed on the seas

### **Clause 11. Declaring War**

- declare war
- authorize private ships to attack and seize enemy ships

### **Clause 12. Raising an Army**

- raise and support an army

### **Clause 13. Maintaining a Navy**

- establish and maintain a navy

### **Clause 14. Regulating the Armed Forces**

- make rules to govern the armed forces

### **Clause 15. Calling Out the Militia**

- call out state militia units, now known as the National Guard

### **Clause 16. Regulating the Militia**

- organize, arm, and govern the National Guard. The states keep the power to appoint officers of state militias.

### **Clause 17. Controlling Federal Property**

- make laws for the District of Columbia and for federal land used for forts, naval bases, national parks, and other purposes. In 1974, Congress gave citizens of Washington D.C. the right to elect their own mayor and city council and run their own affairs. Still, Congress can overrule the council's actions.

### **Clause 18. The "Elastic Clause"**

- make all laws "necessary and proper" to carry out the powers listed above and any other powers of the federal government



## **Federalism**

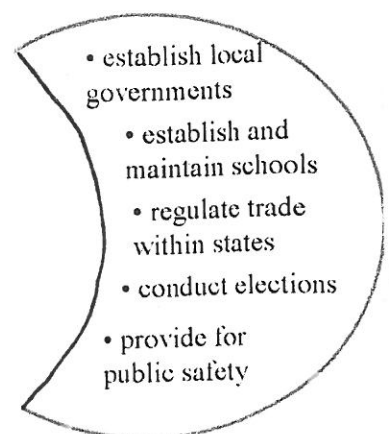
### **Powers Delegated to the National Government**



### **Both**

- raise taxes
- provide for the public welfare
- criminal justice
- borrow money
- charter banks
- build roads

### **Powers Reserved to States**



## **Section 9. Limits on Federal Power**

### **Clause 1. Ending the Slave Trade**

As part of a compromise between northern states and southern states, Congress was forbidden to end the importing of slaves before 1808.

### **Clause 2. Suspending Habeas Corpus**

The government cannot take away a person's right to a writ of habeas corpus except in times of emergency. This right protects people from being held in jail without evidence.

### **Clause 3. Unfair Laws**

Congress is forbidden from passing any:

- bill of attainder, or law calling for the punishment of a particular person
- ex post facto law, or law that makes an action done legally unlawful afterwards

### **Clause 4. Taxing Individuals**

All taxes levied by Congress directly on land or people must be divided among the states according to their population. This was later changed by the Sixteenth Amendment.

### **Clause 5. Taxing Exports**

Congress may not tax exports, or goods being sent to other countries.

### **Clause 6. Regulating Trade**

Congress cannot favor one state over another in regulating trade and shipping.

### **Clause 7. Unlawful Spending**

The federal government can spend money only when Congress authorizes the spending. This clause is meant to keep government officials or employees from misusing federal funds.

### **Clause 8. Creating Titles of Nobility**

Congress cannot give anyone a title such as duchess or count. Federal officials cannot receive any gift of value from a foreign country. Such gifts are the property of the United States government.

## **Section 10. Limits on State Power**

### **Clause 1. Forbidden Actions**

The states are not allowed to:

- make treaties with other nations
- coin or print money
- pass bills of attainder, ex post facto laws, or laws excusing citizens from carrying out contracts
- grant titles of nobility

### **Clause 2. Taxing Trade**

A state cannot tax any goods entering or leaving the state. A state can charge a small fee, however, to pay for inspection of the goods.

### **Clause 3. Foreign Dealings**

Without the agreement of Congress, states cannot tax ships that use their ports. Nor can a state prepare for war or wage war unless there is a military emergency.

## **The Bill of Rights**

### **Amendments 1-10**

1. Freedoms of religion, speech, press, assembly, and petition
2. Right to bear arms in a state militia
3. No quartering of soldiers without consent
4. Protection against unreasonable searches
5. Right to due process of law
6. Rights of the accused
7. Right to a jury trial in civil cases
8. Protection against unreasonable fines and cruel punishment
9. Other rights of the people and seizures
10. Powers reserved to the states and to the people