

Primary Source

U.S. Constitution, Article I

- ☐ I can identify the part of the Constitution that outlines the legislative branch.
- ☐ I can analyze constitutional text to outline the powers and responsibilities of the judicial branch.

Essential Vocabulary

bicameral	A legislative body that has two separate chambers or houses. In the context of the U.S. Congress, it consists of the House of Representatives and the Senate.
Quorum	The minimum number of members of a legislative body that must be present to conduct official business. In the U.S. Congress, a quorum in the House is a majority of its members, and in the Senate, it's also a majority of its members.
Enumerated	Specifically listed or spelled out. Enumerated powers are those explicitly granted to Congress by the Constitution.
naturalization	The process by which a non-citizen becomes a citizen of a country. Congress has the power to establish uniform rules of naturalization.
Tribunals	Courts or judicial bodies. The Constitution grants Congress the power to create tribunals inferior to the Supreme Court.
Letters of Marque and Reprisal	Government licenses authorizing private individuals to capture enemy ships and goods. These were used historically to allow private citizens to engage in acts of war.
"Elastic" Clause	Also known as the Necessary and Proper Clause, it allows Congress to make laws that are necessary and proper for carrying out its enumerated powers. This clause gives Congress flexibility to fulfill its duties.
Implied	Powers not explicitly stated in the Constitution but inferred from the enumerated powers. The Elastic Clause provides the basis for implied powers.
Writ of Habeas Corpus	A legal order requiring that a prisoner be brought before a judge to determine if their detention is lawful. The Constitution protects against the suspension of this writ except in cases of rebellion or invasion.

Bill of Attainder or ex post facto Law	A Bill of Attainder is a legislative act that punishes an individual or group without a trial. An ex post facto law retroactively changes the legal consequences of actions that were committed before the enactment of the law. The Constitution prohibits both types of laws.
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Building Context

The Framers believed Congress to be the foundation of the constitutional republic—the first branch. Congress is the closest branch to the people, and the people give their consent through their congressional representatives. Article I describes the constitutional powers of Congress and is the longest article of the Constitution.

U.S. Constitution, Article I Source:

<https://billofrightsinstitute.org/primary-sources/constitution>

Text	Annotations	Notes
Section 1: Congress 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.	This sets up a bicameral or two-house legislature: 1-the Senate and 2-the House of Representatives.	
Section 2: The House of Representatives The House of Representatives shall be composed of Members chosen every second Year by the People of the several States... No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their	Representatives are chosen every two years. They must be at least 25 years old, a citizen for at least 7 years, and be (at the time of election) an inhabitant of the state in which they are elected. The number of representatives is determined by population. Note that the “three-fifths” of all other persons or the “Three-fifths Clause” refers to enslaved individuals and was made obsolete by the Thirteenth Amendment (ratified in 1865).	

<p>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.</p>		
<p>Section 3: The Senate The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.</p> <p>...</p> <p>No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.</p> <p>...</p> <p>The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.</p>	<p>Senators serve a term of six years and, until the Seventeenth Amendment was ratified in 1913, were chosen by their state legislature. Each state has two senators, and each senator gets one vote. The Seventeenth Amendment changed the Constitution so that the people directly elect senators.</p> <p>Senators must be at least 30 years old and have been a citizen for at least 9 years. Like representatives, they must also live in the state in which they are elected. The vice president also serves as the president of the Senate and can break a tie, if needed.</p> <p>The Senate serves as the court if a president or other federal official is impeached by the House and can remove the president if two-thirds of the senators agree.</p>	

<p>Section 5: Powers and Duties of Congress</p> <p>Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.</p> <p>Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy...</p>	<p>Members of the Senate and the House:</p> <ul style="list-style-type: none"> -determine their own rules for how to conduct business. -can expel a member with a two-thirds majority. -keep a journal of their business that must be published, though some parts of the journal may be kept secret. 	
<p>Section 7: Legislative Process</p> <p>All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.</p> <p>Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his</p>	<p>All bills relating to taxation must originate in the House.</p> <p>The rest of Section 7 describes the process by which a bill becomes a law.</p> <p>Bills that pass both the House and the Senate are sent to the president. If the president signs the bill, it becomes a law.</p> <p>If the president has objections to the bill, he can send it back to the house</p>	

<p>Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.</p> <p>If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.</p> <p>Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved</p>	<p>where the bill was introduced. If two-thirds of that house agree to pass the bill, it is then sent to the other house. If two-thirds of that house agree to pass it, the bill becomes a law without the president's signature.</p> <p>If the president does not return the bill within ten days, it becomes a law.</p> <p>If the president does not return the bill, and Congress adjourns, the bill does not become a law.</p>	
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by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.		
<p>Section 8: Powers of Congress</p> <p>The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;</p> <p>To borrow Money on the credit of the United States;</p> <p>To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;</p> <p>To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;</p> <p>To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;</p> <p>To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;</p> <p>To establish Post Offices and post Roads;</p> <p>To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;</p>	<p>Section 8 lists the enumerated, or listed, powers of Congress:</p> <ul style="list-style-type: none"> -lay and collect taxes -borrow money -regulate trade with foreign nations, among the states, and with American Indians -establish rules for becoming a citizen (naturalization) -print money and punish counterfeiting -set standard weights and measures -establish post offices and roads -create patents -set up courts -punish piracies and felonies committed at sea -declare war -issue licenses to privateers authorizing non-military citizens to seize enemy property at sea during times of war -raise and support an army -create and support a navy -call up the militia -make laws for the Seat of Government (Washington, DC) -oversee forts, magazines (ammunition storage), and docks purchased from the states by the federal government 	

<p>To constitute Tribunals inferior to the supreme Court; To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to</p>	<p>The Necessary and Proper Clause (or “Elastic” Clause) of Article I gives Congress implied powers, powers not enumerated, or specifically listed. This clause gives Congress the power to make any law essential and fitting to carry out their enumerated functions.</p>	
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<p>exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And</p> <p>To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.</p>		
<p>Section 9: Powers Denied Congress</p> <p>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 one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.</p> <p>The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it. No Bill of Attainder or ex post facto Law shall be passed.</p>	<p>Section 9 lists actions which Congress cannot take:</p> <ul style="list-style-type: none"> -interfere with the slave trade before 1808 -revoke habeas corpus (protection from unlawful or indefinite imprisonment) -pass a bill of attainder (legislation that imposes a punishment without a trial) or ex post facto law (retroactive punishment after the fact) -tax a good exported from a state or show preference in regulating interstate commerce -withdraw money from the Treasury except if granted permission by law -create any titles of nobility or accept any title from a foreign nation 	

<p>No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.</p> <p>No Tax or Duty shall be laid on Articles exported from any State.</p> <p>No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.</p> <p>No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.</p> <p>No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.</p>		
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Analysis Questions

1. How are checks and balances evident in Article I? Provide specific examples.
2. Which powers given to Congress imply that the Framers considered it the most important branch of government? Explain your reasoning.
3. Compare the powers of Congress under the Constitution with those given to the legislature under the Articles of Confederation. List three examples demonstrating a change between the earlier and later documents and explain why the Framers believed that changes were necessary.