

★ ARTICLE I—LEGISLATIVE DEPARTMENT ★

Article 1 clearly points out the powers and restrictions of the legislative or lawmaking branch of our government. Several changes have been made to Article 1 since it was written, but it is important to study the original text first to better understand why it was necessary for those changes.

Power Defined

The power to make laws that govern the people of the United States is given to Congress. Congress is made up of two separate houses; one is called the U.S. Senate, the other is the House of Representatives.

Article 1, 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.

House of Representatives

Members of the House of Representatives are chosen by voters of the states they represent every two years. People who are allowed to vote for their own state lawmakers shall also be eligible to vote for the representatives of the House. *Many states formerly had restrictions on who could vote. Amendments to the Constitution have lifted those restrictions.*

Article 1, Section 2, clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Qualifications

To become a member of the U.S. House of Representatives, one must be:

1. 25 years of age
2. a U.S. citizen for at least seven years
3. live in the state from which he is chosen

Since the Constitution was written, most states have been divided into districts—each district being allowed one representative. Candidates must live in the districts they intend to serve.

Article 1, Section 2, clause 2. 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.



Representation

Article 1, Section 2, clause 3. Representatives and direct taxes shall be *apportioned* among the several states which may be included within this Union, according to their 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*.

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Article 1, Section 2, clause 4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Article 1, Section 2, clause 5. The House of Representatives shall choose their *speaker* and other officers;

The number of representatives each state is allowed is determined by the population of that state. *Two parts of this clause no longer apply. Direct taxes are no longer based on population, but rather income (16th Amendment). Also the 13th Amendment nullified the three-fifths clause because it outlawed slavery.*

A census or count of the people is authorized by Congress every ten years beginning with the first year of the decade.

The number of representatives for each state was originally based on 30,000 persons per representative. Because the population has grown a great deal, there are now many more than 30,000 persons represented by each representative. But the proportion remains the same. That is, each congressional district has about the same number of persons. In 1910 the number of representatives was frozen at 435.

Filling Vacancies

When a representative dies or resigns his office, the governor of the state he represents calls for a special election to fill the vacancy.

Organization

The House of Representatives elects its own officers. Its leader is called the speaker. *Each Congress lasts for two years. The speaker or chosen leader is the most powerful member of the House of Representatives.*

and shall have the sole power of impeachment.



Article 1, Section 3, clause 1. 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.

Article 1, Section 3, clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Article 1, Section 3, clause 3. 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.

Impeachment

Only the House of Representatives has the power to impeach. The power of impeachment is defined as the power to determine whether or not high officials in the executive and judicial department should be formally accused of doing something so bad while in office that they should no longer be allowed to serve in the public trust. (Note: They do not conduct the actual trial. They merely file the formal accusation which means they will face a trial in the U.S. Senate. It is there that the guilt or innocence is determined. The House of Representatives stands as the accuser.)

U.S. Senators

The Senate Chamber has two senators from each state. Senators were chosen by the state legislatures under the original Constitution. The 17th Amendment changed that so they are now elected by the people. Senators serve six-year terms and each has one vote.

Terms of Office Are Staggered

The terms of U.S. senators are arranged so that one-third of the senators are elected every two years. The first time Congress met, one-third were elected for two-year terms; one-third were elected for four-year terms and one-third elected for six-year terms. Thereafter all senators would serve six-year terms of office. The reason for this arrangement is so that the entire Senate is never elected in a single election.

Qualifications for Office

To become a U.S. senator, one must be thirty years old, a U.S. citizen for nine years and live in the state he or she represents.



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Article 1, Section 3, clause 4. The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

Senate Organization

The Vice-President of the United States presides over all meetings of the U.S. Senate and votes only when there is a tie.

Article 1, Section 3, clause 5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the Office of President of the United States.

Other Offices

The Senate chooses its other officers, including a *president pro tempore*, who will preside over the Senate when the Vice-President is unable to attend because of his duties as Vice-President.

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Article 1, Section 3, clause 6. 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.

Trying Impeachments

The Senate has the sole power to try those who have been impeached by members of the House of Representatives. The entire Senate serves as the jury and they take an oath that promises to try the accused fairly. If it is the President on trial, then the Chief Justice of the Supreme Court presides over the trial. Otherwise, the Vice-President presides. To convict the accused requires a two-thirds vote of all members present.



Article 1, Section 3, clause 7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Extent of Punishment

In cases where the Senate finds the accused guilty, their power is limited to removing the official from office and preventing him from holding another office. But the convicted official can nevertheless be tried in a regular court of law, and if found guilty, could be punished according to the laws.

