

Understanding The Legislative Branch: Article I of the U.S. Constitution

The Framers of the Constitution separated the powers of our government into three branches, with each playing a different role in the process of governing. The legislative power (the power to create laws) was given to a bicameral (two houses) legislature, made up of a House of Representatives and a Senate. The executive power (the power to carry out and enforce laws) was entrusted to the executive branch, led by the president, and supported by the vice president and executive agencies. The judicial power, (the power to interpret the meaning of the laws,) was assigned to the judicial branch, made up of the Supreme Court and the other inferior federal courts. The Framers believed that by separating the powers of government, they would ensure that no one branch became too powerful, and that with this individualized power, each branch could check the power of the other two branches.

Article I, Section 1 establishes the Congress, granting all legislative powers to the Senate and a House of Representatives.

Article I, Section 2 sets forth the specifics of the House of Representatives. It specifies that the House will be made up of members elected every two years by the people of their state. It sets the qualifications to serve in the House:

- a representative must be at least 25 years old,
- a resident of the state which he or she is chosen to represent,
- and must have been a citizen of the United States for at least seven years.

It bases the number of representatives a state gets on a state's population, so the more people a state has, the more representatives the state gets representing their people. This is called apportionment, and reapportionment will take place every ten years after the census is taken, so as a state's population grows or shrinks, so does its seats in the House. Representatives can serve an unlimited number of two-year terms.

If a vacancy occurs in a House seat, it must always be filled by an election. It also allows the House to choose their own Speaker and other officers, as well as granting it the sole power of impeachment, a key check on the executive and judicial branches.

Article I, Section 3 sets forth the specifics of the Senate. It specifies that each state will elect (17th Amendment) two senators. As such, a state may only have two people representing them in the Senate, no more, no less (equal representation among the states). It sets the qualifications to serve in the Senate:

- a senator must be at least 30 years old,
- must live in the state he or she represents,
- and must have been an American citizen for at least nine years.

Per this section, senators are placed into one of three classes. This means only one-third of the Senate is up for election at any given time, so depending on which class a senator is in, determines the election cycle they run in. Senators may serve for an unlimited number of six-year terms.

This section also identifies the sole constitutional responsibility of the vice president of the United States, that they are the president of the Senate. While they have no regular voting privilege, they have the power to cast a vote to break a tie in the event that that senate is equally divided on a proposed bill or nomination. Like the House, the Senate chooses officers to oversee their procedures and bring votes to the floor. One is the *president pro tempore* ("president for a time"), who presides over the Senate in the absence of the vice president.

The Senate is the second half of the impeachment equation, as it is responsible for conducting the trial, presided over by the chief justice of the United States, and deciding whether the individual impeached is to be removed from their office.

Article I, Section 4 grants state legislatures the authority to determine how congressional elections are held. State legislatures determine when elections are held, the process by which voters may register, and the locations where they may cast their ballots. However, Congress has the authority to change these rules as well as to enforce by law protections pertaining to the right to vote. Section 4 also specifies that Congress will determine how frequently it meets, provided that it is at least once a year, with the first meeting of the new Congress taking place at noon on January 3 of each year (20th Amendment).

Article I, Section 5 specifies that both the House of Representatives and the Senate have the authority to determine whether an election of one of their members is legitimate. This section also specifies that the House and Senate establish their own rules, may punish members for bad behavior, and may expel a member with a two-thirds vote.

For each house to conduct its legislative business, a quorum, or a majority of its members must be present. If a quorum is not present, then the legislative business pending before each house cannot be done. Further, both houses must keep and publish a record of their proceedings. If at any time, one-fifth of a chamber's members demand it, a roll call vote must be taken. Congress does have the power to keep some discussions and votes secret.

Article I, Section 6 specifies that members of Congress will be paid from the Treasury of the United States. It also specifies that members may not be arrested while going to or leaving a session of either house except for very serious crimes. Members of Congress may not be sued or prosecuted for any speech they make while in either house. Lastly, this section prohibits any member of either house from simultaneously holding a position in the executive branch during their service.

Article I, Section 7 explains that legislation that has to do with raising or spending money- the "power of the purse" must originate in the House of Representatives. Only the House may introduce a bill that involves taxes. This section outlines the process of how a [bill becomes law](#).

Article I, Section 8 explains that the powers of Congress are limited to only those that are enumerated or expressly stated, and those that are "necessary and proper" to carry out its enumerated powers. This is known as the *elastic* or *necessary and proper* clause. Overall, Congress has the specific power to raise revenues, set a budget, regulate trade, coin money, create a postal service, army, navy, and lower federal courts, set laws for naturalization, and to declare war. All other law making powers are left to the states.

Article I, Section 9 sets specific limits on the power of Congress. This section prohibited Congress from banning the importation of slaves prior to the year 1808, guarantees certain rights to the accused, requires Congress to regularly account for spending, prohibits Congress' favoring one state over another in legislation, specifies that the United States will not grant titles of nobility, and prohibits public officials accepting a title of nobility, office, or gift from a foreign country without Congressional approval.

Article I, Section 10 limits the power of the states. This section prohibits the states from entering into any treaty with a foreign nation, declaring war, coining their own money, collecting duties on imports or exports, granting any title of nobility, or maintaining an army or navy in times of peace.