

## **CONSTITUTION STUDY**

### **Article I, Sections 1 – 7**

#### I. Introduction

- A. Review last month – Preamble
- B. Separation of Powers
  - 1. Usually: Legislative, Executive, Judicial
  - 2. Must include: States and the People also

### **LEGISLATIVE POWERS**

#### II. Article I, Section 1

- A. "All legislative powers herein granted...vested in Congress...."
  - 1. Legislative powers may not be delegated
    - a. Bureaucracy (e.g. EPA) – *Whitman v American Trucking Associations*
    - b. Executive orders
    - c. Signing statements (more later)
    - d. Judiciary
  - 2. The "legislative powers...herein granted" mostly relate to enumerated powers in Article I, Section 8.

### **HOUSE OF REPRESENTATIVES**

#### III Article I, Section 2, Clause 1

- A. "House of Representatives...Members chosen every second Year by the People of the several States...."
- B. Election by districts added later by law

#### IV. Article I, Section 2, Clause 2

- A. Elector qualifications for House
- B. Same as State qualifications for most numerous legislature

#### V. Article I, Section 2, Clause 2 (continued)

- A. Qualifications for Representatives
- B. Are they the minimum or maximum?
- C. Term limits

#### VI. Article I, Section 2, Clause 3

- A. Representative Apportionment
- B. Proportional to population (Great Compromise)
- C. Three-fifths clause

- VII. Article I, Section 2, Clause 3 (continued)
  - A. Enumeration (census) clause
  - B. "actual enumeration" versus statistical sampling
  - C. Breadth of information collected
  
- VIII. Article I, Section 2, Clause 3 (continued)
  - A. Allocation of Representatives
  - B. Not more than one per 30,000 people
  
- IX. Article I, Section 2, Clause 4
  - A. State executive writs of election to replace representatives
  
- X. Article I, Section 2, Clause 5
  - A. Election of Speaker of House and other officers
  
- XI. Article I, Section 2, Clause 5 (continued)
  - A. Impeachment
  - B. House as Grand Jury (also as prosecutors)

## **SENATE**

- XII. Article I, Section 3, Clause 1
  - A. Composition
    - 1. Two from each state (Great Compromise)
    - 2. Six year terms
    - 3. Each senator has one vote
    - 4. Chosen by State legislatures (Cf. 14<sup>th</sup> Amendment)
  
- XIII. Article I, Section 3, Clause 2
  - A. Classes and filling vacancies
    - 1. Vacancies filled by appointment or legislative vote
  
- XIV. Article I, Section 3, Clause 3
  - A. Qualifications for Senators
  
- XV. Article I, Section 3, Clause 4
  - A. Vice-President as Presiding Officer
    - 1. Only votes in a tie
  
- XVI. Article I, Section 3, Clause 5
  - A. President Pro-Tempore of Senate
    - 1. Presides in the absence of the Vice-President

- XVII. Article I, Section 3, Clause 6
  - A. Trial of Impeachment
    - 1. Has sole power to try all impeachments
    - 2. Chief Justice of Supreme Court presides
    - 3. Takes two-thirds to convict

- XVIII. Article I, Section 3, Clause 7
  - A. Punishment for impeachment
    - 1. Removal from Office
    - 2. Not eligible to hold Federal office in future
    - 3. Still liable to trial and possible punishment

### **GENERAL CONGRESSIONAL**

- XIX. Article I, Section 4, Clause 1
  - A. State regulations for election Congressmen
    - 1. Congress may over-ride except for location

- XX. Article I, Section 4, Clause 2
  - A. Meetings of Congress
    - 1. At least once per year

- XXI. Article I, Section 5, Clause 1
  - A. Qualifications and Quorum
    - 1. Each House judges elections, returns, and qualifications
    - 2. Majority constitutes a quorum
    - 3. May compel attendance

- XXII. Article I, Section 5, Clause 2
  - A. Rules and Expulsion
    - 1. Each House determines rules of proceeding
    - 2. May punish members for disorderly behavior
    - 3. May expel members by two-thirds vote

- XXIII. Article I, Section 5, Clause 3
  - A. House Journal

- XXIV. Article I, Section 5, Clause 4
  - A. Adjournment
    - 1. Must have permission of other House to adjourn for more than three days
    - 2. Neither House may move to another place without permission.

- XXV. Article I, Section 6, Clause 1
  - A. Compensation
    - 1. Amount determined by Law
    - 2. Paid by Federal Treasury
  
- XXVI. Article I, Section 6, Clause 1 (continued)
  - A. Privilege from Arrest
    - 1. Except for Treason, Felony, or Breach of Peace, may not be arrested in attendance or going to or from.
  
- XXVII. Article I, Section 6, Clause 1 (continued)
  - A. Speech and Debate
    - 1. No Congressman by be questioned on anything said on floor of House or Senate
  
- XXVIII. Article I, Section 6, Clause 2
  - A. Sinecure Clause
    - 1. No Congressman shall hold any Federal civil office
  
- XXIX. Article I, Section 6, Clause 2 (continued)
  - A. Incompatibility
    - 1. No Federal officeholder shall be a member of Congress
  
- XXX. Article I, Section 7, Clause 1
  - A. Origination of Revenue Bills
    - 1. All revenue bills must originate in House
    - 2. Senate may propose and approve amendments
  
- XXXI. Article I, Section 7, Clause 2
  - A. Presentment
    - 1. All bills passed by House and Senate must be then presented to the President.
    - 2. President can only sign bill or return to Congress
    - 3. Congress may over-ride veto with two-thirds vote
    - 4. Any bill not returned within 10 days is law.
    - 5. If Congress adjourns in the 10-day window, and unsigned bill is vetoed (pocket veto).