

The Constitution Handbook (pages 248-255)

# The Preamble and Article 1: The Legislature

## BEFORE YOU READ

In Chapter 8, you saw how the Constitution was created.

In the Preamble and Article I, you will learn how the Preamble introduces the Constitution and how Congress is set up.

## AS YOU READ

Use the chart below to take notes on the Preamble and on the powers of Congress.

Preamble	
Article 1: The Legislature House of Representatives Senate	

## TERMS & NAMES

**Preamble** Introduction to the U.S. Constitution

**Congress** National legislature of the United States

**House of Representatives** Lower house of Congress

**Senate** Upper house of Congress

**checks and balances** Provisions of the Constitution that keep one branch of the government from controlling the other two branches

**enumerated powers** Powers specifically granted in the Constitution

**elastic clause** Clause in the Constitution that allows Congress to pass laws necessary to carry out its enumerated powers

**implied powers** Powers not specifically stated in the Constitution

## Preamble. Purpose of the Constitution

(page 248)

*What does the Preamble do?*

The **Preamble** is the introduction to the Constitution. It sets out to do two things. The first is to show the authority, or right to rule, of the new government. The Preamble states that this government is based on the approval of those who are to be governed. It is the people themselves who have the power to create a government. That is why the Constitution begins with the words, "We the people of the United States. . . ."

The second purpose of the Preamble is to state that this new government is being formed to:

- create a nation in which states work together
- set up and enforce fair laws
- keep peace within the country
- protect the country against attack
- ensure the well-being of the people, and
- make sure future citizens remain free.

1. What are the two purposes of the Preamble?

## Article 1, Sections 1-6. The Organization of Congress

(pages 249-251)

*How are the House of Representatives and Senate different?*

Article 1 of the Constitution sets up **Congress**. It is the legislative, or law-making, branch of government.

Congress is made up of two houses. Article 1, Section 2 sets up the **House of Representatives**. It is the lower house of Congress. Its members are elected every two years. The number of representatives each state has in the House is based on population. To be a member of the House, a person must be:

- 25 years old
- a U.S. citizen for seven years, and
- an inhabitant of the state where he or she was elected.

Section 2 also states that the representatives shall choose a Speaker of the House. The Speaker is the

leader of the House.

This section also gives the House of Representatives the power of *impeachment*. It can bring official charges of wrongdoing against officials in other branches of government, including the president. The Senate has the power to hold trials in impeachment cases. It takes a two-thirds vote of the Senate to convict the impeached person. If convicted, the person is removed from office.

Article 1, Section 3 sets up the **Senate**. This is the upper house of Congress. Each state is represented by two senators. At the Constitutional Convention, the framers decided to have the state legislatures choose the senators for their own state. (Senators are now elected directly by the voters in each state because of the 17th Amendment.) Senators serve six-year terms. Every two years, one-third of the Senate seats are up for election. To be a senator, a person must be:

- 30 years old
- a U.S. citizen for nine years, and
- an inhabitant of the state that elected him or her.

Article 1, Section 4 states that Congress shall meet at least once every year. Article 1, Section 5 establishes how Congress shall conduct business, including:

- the quorum, or minimum number of representatives that need to be present for an official meeting to be held
- the power to set rules for meetings
- the keeping of records of meetings, and
- rules for adjournment, or ending meetings.

Article 1, Section 6 establishes how senators and representatives shall be paid. It also states that no senator or representative can be arrested while attending meetings in Congress. Nor can they be punished for anything said during debate. In addition, senators and representatives cannot hold any other office in the U.S. government while serving in Congress.

**2. What are two important differences between the House of Representatives and the Senate?**

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### Article 1, Sections 7–10. Powers of Congress (pages 252–255)

*What powers does Congress have?*

Article 1, Section 7 explains how new laws are passed. A *bill* may be introduced in either the House or the Senate. (Bills regarding revenue, or raising money, are an exception. They can only be introduced in the House of Representatives.) But it must be approved by a majority vote in both houses.

To become a law, a bill needs the approval of the president. Presidential approval is part of the system of **checks and balances**. It gives the president, the head of the executive branch, a say in legislation. If the president does not approve the bill, he or she can *veto*, or reject, it. The bill can still become law if two-thirds of both houses vote to *override* the veto. This procedure ensures that neither the president nor Congress has too much power.

Section 8 lists specific powers of Congress. These powers are often called **enumerated powers**. They include the power to tax, to borrow money, and to set up courts. Clauses 11–16 give Congress control over the military. Clause 17 gives Congress legislative control over the District of Columbia, the seat of the federal government.

Clause 18 is a unique clause. It gives Congress the power to do what is “necessary and proper” to carry out its other powers. This clause is called the **elastic clause** because it can be used to expand the powers of Congress. This is the basis of the **implied powers** of the federal government.

Section 9 tells what powers Congress does not have. For instance, the government cannot take away a citizen’s right to a fair trial.

Section 10 tells what powers the states do not have. They cannot exercise the powers given to Congress in Section 8, such as making treaties or war. In addition, they cannot tax imports or exports.

**3. How does Congress limit the power of the president?**

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