

TERMS TO UNDERSTAND



equal representation
Great Compromise
New Jersey Plan
proportional representation
Virginia Plan

What important conflict existed between the large and small states?

One of the most important conflicts at the Philadelphia Convention was about representation. The Framers disagreed about how many representatives each state should be able to send to Congress. The conflict was between delegates from states with small populations and delegates from states with large populations.

Small states. The small states feared that the states with larger populations would control the national government. To avoid this problem, the small states wanted each state to have the same number of representatives in Congress. This is called equal representation.

Large states. The delegates from the states with larger populations thought that equal representation was unfair. A state with more people should have more votes. The large states wanted to base the number of representatives in Congress on the number of people living in a state. This is called proportional representation.



Why might people in states with smaller populations favor equal representation?

How did the Great Compromise solve the problem of representation?

The committee appointed to solve the problem of representation came up with the Connecticut Compromise. It is now called the Great Compromise. The Great Compromise has three parts.

- Congress would have two houses, the Senate and the House of Representatives.
- Membership in the House would be based on proportional representation. The House would have the power to develop all bills dealing with taxes and government spending. As you learned from Lesson 5, a bill is a proposed law.
- Membership in the Senate would be based on equal representation. At first, the Senate only had power to accept or reject bills related to taxes and spending passed in the House. This power was later modified to let the Senate make changes to bills involving taxes and spending developed in the House.

As in most compromises, each side received a little and each gave up a little. The small states got equal representation in the Senate. The large states got proportional representation in the House. Also, the House would have important powers related to taxing and spending.

The compromise meant that the large states would have slightly more influence over issues of taxes and spending. In the Senate, the small states could check the large states by changing or rejecting taxes and spending bills passed in the House. The Great Compromise was hotly debated. It finally passed by one vote.



Can you name your representatives in the House and Senate? To find out the names of your representatives in Congress, go to www.senate.gov and www.house.gov.

Framers wanted

Specific language meant writing down exactly what powers Congress would have. For example, "Congress shall have the power to collect taxes." The Framers wanted a government of enumerated powers. **Enumerated powers** are powers that are specifically listed in a constitution. The problem with enumerated powers was that a constitution might leave out important powers needed by Congress to deal with unforeseen situations.

The solution was to use both general and specific language. The new constitution would give specific powers to Congress and place limitations on these powers. It would also include two general clauses that would give Congress the power to deal with unexpected situations.

What are the enumerated powers of Congress?

Article I deals with the legislative branch. Article I alone makes up more than half of the Constitution. It shows just how important the legislative branch was to the Framers.

Article I, Section 8 includes seventeen enumerated powers. Some of these powers give Congress the right to

- 1 • impose and collect taxes and duties
- 2 • borrow money
- 3 • regulate commerce with foreign nations and among the states
- 4 • coin money
- 5 • establish post offices
- 6 • declare war
- 7 • raise and support an army and navy



Should the federal government regulate postal services? Why or why not?

What are the general powers of Congress?

Article I, Section 8 also includes two general statements of power given to Congress. These are the power of Congress to

- “provide for the common Defense and general Welfare [common good] of the United States.” This is called the **general welfare clause**.
- “make all Laws which shall be necessary and proper” for carrying out the other powers that the Constitution grants to Congress. This is called the **necessary and proper clause**. For example, under the enumerated powers, Congress has the power to raise and support an army. To exercise this power, it might be necessary and proper that Congress pass a law requiring citizens to serve in the armed forces.

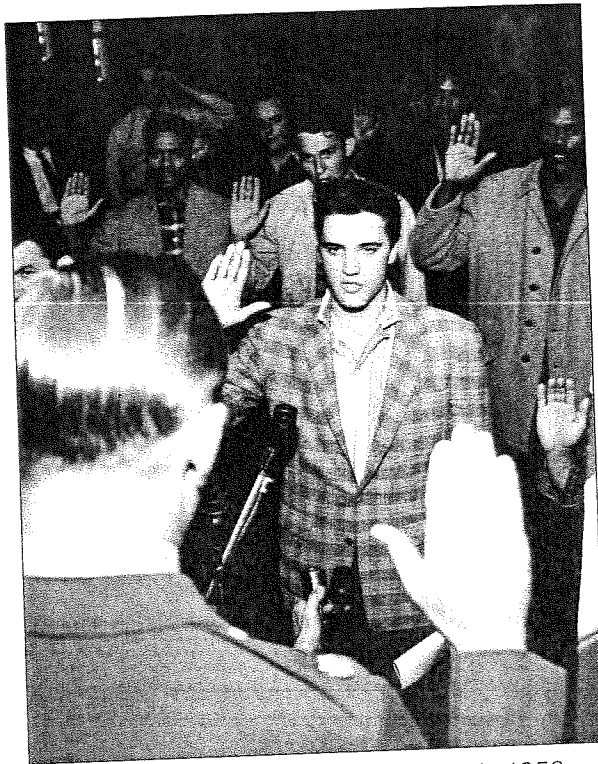
Other names:
Elastic Clause

Neither of these general clauses caused any disagreements at the convention. They did cause strong disagreements in the states about whether to approve the Constitution. Both clauses were the source of conflicts in the early years of the new government. You will learn more about these conflicts in later lessons.

What limits are there on the powers of Congress?

The Constitution includes several limits on the powers of Congress. Article I, Section 9 prohibits Congress from

- 1 • banning the slave trade before 1808
- 2 • suspending the privilege of the writ of habeas corpus except in



Elvis Presley was drafted into the Army in 1958. What parts of the Constitution can be used to justify the power of Congress to draft people into the armed forces?

emergencies. In Latin, habeas corpus means to “have the body.” A writ of habeas corpus orders government to deliver a person it has arrested to a court of law. Government must explain why that person has been arrested and held. If government cannot show that the person has broken the law, the person must be set free.

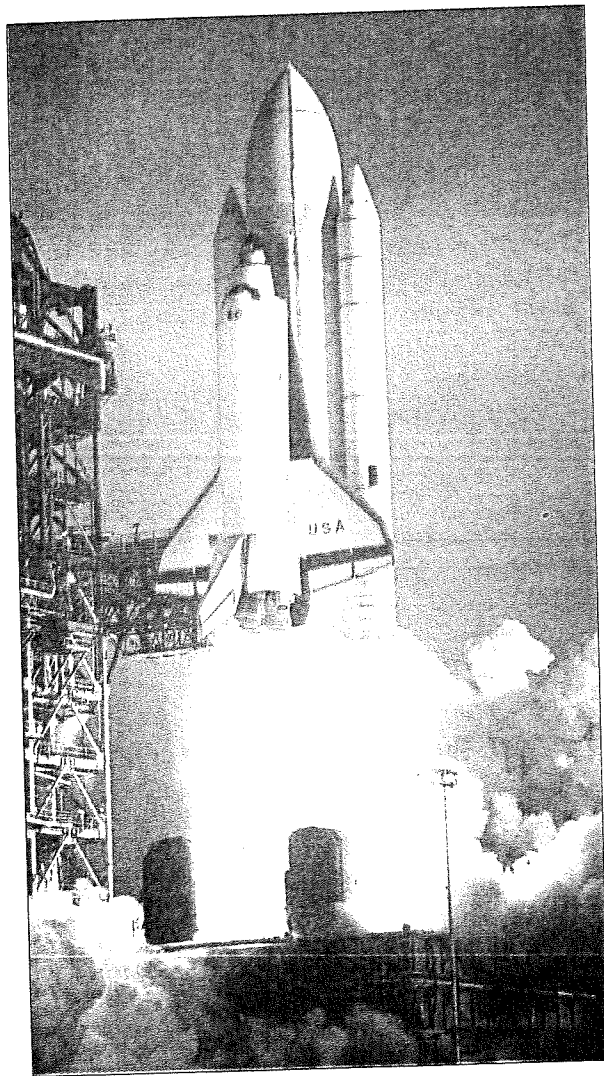
- 3 • passing **ex post facto** laws. This is a law that makes an act a crime even though the act was legal when it took place.
- 4 • passing **bills of attainder**. This is a legislative act that declared a person guilty of violating the law and set the punishment without a court trial.

Continued on
page 134

Limits:

- 5 • taxing anything exported from a state
- 6 • taking money from the treasury without first passing a law to do so
- 7 • granting titles of nobility

In this way, the Framers tried to balance the need for a strong government with the need to limit its powers. Those limits were included to make sure that government did not become a threat to the people's rights.



What part of Article I, Section 8 of the Constitution gives Congress the power to conduct a space exploration program?

How do the other branches check the power of Congress?

Remember that Congress is divided into two "houses." This arrangement is a check on the power of Congress to pass laws. For example, when the House of Representatives passes a bill, it must be sent to the Senate. The bill must also pass the Senate by a majority vote before it can become law.

The executive and judicial branches also have checks, or controls, on Congress. If a bill passes in both houses of Congress, the bill must be sent to the president for approval and signature. When the president signs the bill it becomes a law.

The president may refuse to sign a bill and send it back to Congress. This is the president's power to veto a bill passed in Congress. When the president vetoes a bill, the bill can only become law if approved by a two-thirds majority in both houses of Congress.

The U.S. Supreme Court has the power to declare a law made by Congress unconstitutional. **Unconstitutional** means that the law or action is not permitted by the Constitution. The Court may say that the Constitution does not give Congress the right to pass such a law. In this case, the law can no longer be carried out or enforced. You will learn more about this power of the U.S. Supreme Court in a future lesson.

States kept:

What are powers that are given to the states?

- Establish and Maintain Schools
- Conduct Elections
- Provide for Public Safety
- Assume other powers not given to the National Government

What are powers shared by both the state and National Government?

- Both can collect taxes
- Make and enforce laws
- Borrow money
- Establish courts

V. National Supremacy

- The Constitution is the Supreme Law of the land.

How does National Supremacy Clause work?

- Federal laws override state laws.

VI. The Elastic Clause or Necessary and Proper Clause

- Gives Congress the authority to pass laws it deems "necessary and proper" to carry out its duties.

III. Separation of Powers

- Grants each branch specific powers in the government.

Purpose of Separation of Powers

- It was meant to keep one branch from being too powerful.

The three branches of Government:

1. Article 1 Legislative Branch - Creates the laws
2. Article 2 Executive Branch - Carryout the laws
3. Article 3 Judicial Branch - Interprets the laws

IV. Federalism

- Sharing of power by the National and State governments.

What are some powers given to the National Government?

1. Declare War
2. Coin Money
3. Regulate Interstate Commerce - Trade between states
4. Establish Foreign Policy - Relations with other countries

States Cannot:

Limit S

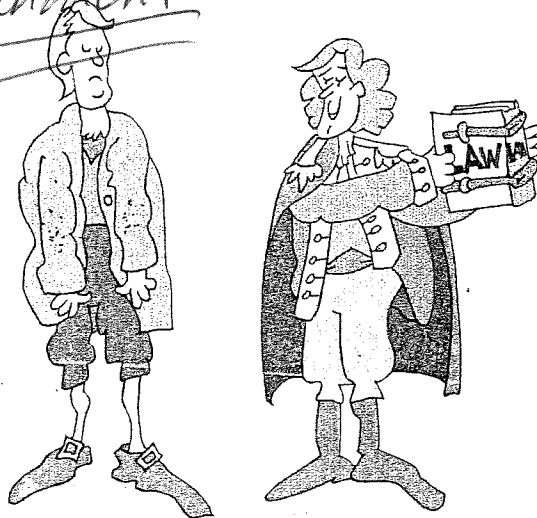
Treaties. The president has the power to negotiate treaties with another nation. The Senate has the power to approve or reject these treaties.

War. Although the president can conduct a war as commander-in-chief, only Congress can declare war. In addition, only Congress has the power to provide money to conduct a war.

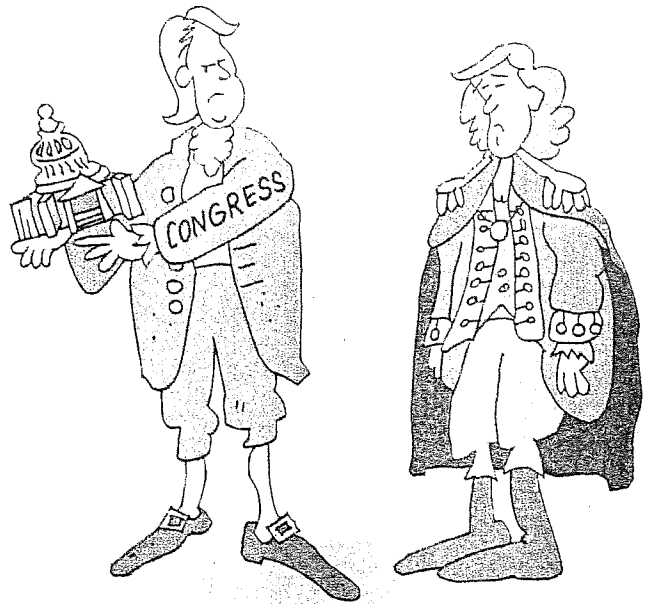
Veto. The president may veto laws passed by Congress. Congress, however, may override the veto by a two-thirds vote of both houses.

The Constitution provides another important way to limit the power of the president and prevent the abuse of power. It gives the House of Representatives the power to impeach the president. To impeach means "to bring to trial." This means the House can accuse the president of serious crimes. The Senate then holds a trial. If the Senate finds the

Impeachment



Why did the Framers allow presidents the power to veto laws passed by Congress?



Why did the Framers allow for the impeachment of presidents?

president guilty, he or she can be removed from office. While it is rarely used, impeachment is an important power that Congress has for checking the power of the executive branch.

How should the president be selected?

The Framers had given important powers to the president. It is not surprising that the Framers were concerned about how to select people to fill this position. The Framers took it for granted that George Washington would be the first president. Washington was patriotic, honest, devoted to the public good, and not interested in using power for his own advantage.

The Framers wanted a way of selecting future presidents who would be as qualified as Washington. The Framers discussed the problem for some time. They also discussed how long a president should be able to stay in office.

The Framers finally agreed that a president would serve for four years and

Name: _____

Reading Guide Lesson 13

1. What ^{was one} were the ~~two~~ major decisions the framers had to make about the new constitution?
2. What states favored proportional representation? What states favored equal representation?
3. What was decided in the Great Compromise?
4. What did the small states and big states gain or lose through the Great Compromise?
5. How many votes did the Great Compromise pass by?
6. What are enumerated powers? Why did the Framers want them?

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7. List and explain 3 powers of Congress found under Article I, Section 8 of the Constitution.

8. What is impeachment?

9. What is the Necessary and Proper Clause? What other name is used for this clause?

10. What powers did the states keep?

11. What is National Supremacy?

12. List and explain 4 limits on the national government.

13. List 4 limits on the state governments.