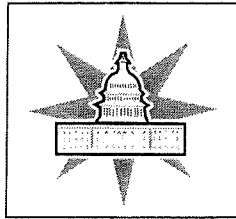
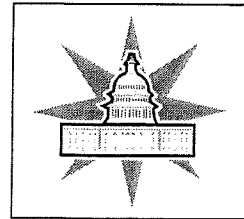


Name: \_\_\_\_\_ Date: \_\_\_\_\_ Hour: \_\_\_\_\_



## The Legislative Branch

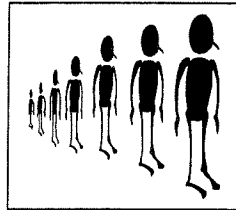


The Legislative Branch is made up of two houses:

1. \_\_\_\_\_
2. \_\_\_\_\_

### I. House of Representatives

Number of members: \_\_\_\_\_



How many Representatives does each state have?

- \_\_\_\_\_  
For example, California has 52 Representatives and Wyoming has 1.
- Every ten years a \_\_\_\_\_ (An official population count) is taken to determine how many representatives each state will receive.  
\_\_\_\_\_
- On average one Representative represents \_\_\_\_\_ people. House members represent a particular district in their home state.

What does it take to be a Representative?

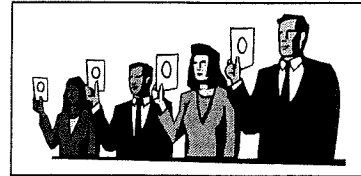
- Age: \_\_\_\_\_
- Years of Citizenship: \_\_\_\_\_
- \_\_\_\_\_

Length of term

- \_\_\_\_\_ as long as they keep getting reelected.

## II. Senate

Number of members: \_\_\_\_\_



How many Senators does each state have?

- \_\_\_\_\_
- \_\_\_\_\_

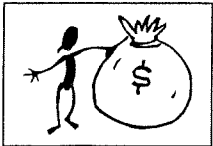
What does it take to be a Representative?

- Age: \_\_\_\_\_
- Years of Citizenship: \_\_\_\_\_
- \_\_\_\_\_

Length of term

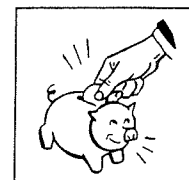
- \_\_\_\_\_ as long as they keep getting reelected

## III. Powers of Congress



1. \_\_\_\_\_ – Sometimes the government needs to borrow money to pay for programs and wars.

2. \_\_\_\_\_ – The Congress is able to raise money in order to pay for the government.



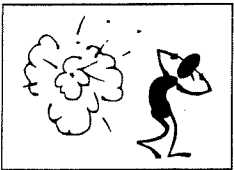
3. \_\_\_\_\_ – Allows congress to regulate  
and promote \_\_\_\_\_



4. \_\_\_\_\_ – Allows Congress to coin money  
and punish those who \_\_\_\_\_



5. \_\_\_\_\_ – Congress has the power to  
establish laws when a person is unable to pay his or her debts.

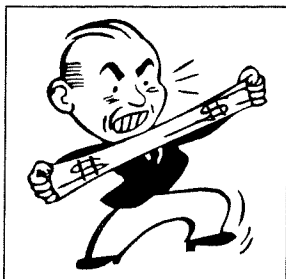


6. \_\_\_\_\_ – \_\_\_\_\_  
and “provide for the common defense and general welfare of the  
United States.”

7. \_\_\_\_\_ – \_\_\_\_\_  
\_\_\_\_\_ – such as the President, Vice-President, and  
Federal Judges.



8. \_\_\_\_\_ – \_\_\_\_\_ gives  
Congress authority to pass laws it deems “necessary and proper” to  
carry out its specified functions. \_\_\_\_\_



# What was the conflict over the legislative power of the national government?

## Purpose of Lesson

One of the major problems facing the Framers was how much power to give to the national government. In this lesson, you will learn about the debates over this problem and how agreement was reached on the powers of Congress—the legislative branch. When you finish this lesson, you should be able to explain how these debates affected the way the Constitution was written. The next lesson will discuss the delegation of power to the executive and judicial branches.

## Terms to know

enumerated powers  
general welfare clause  
necessary and proper clause

## How much power should be given to Congress?

The main purpose of the Framers was to create a national government stronger than the one established by the Articles of Confederation. The Framers thought the Articles did not give Congress enough power to deal with trade and economic problems. More importantly, they thought Congress was not strong enough to control the state governments. The Framers were convinced that the state legislatures were passing laws violating the property rights of many citizens.

The basic problem was that under the Articles of Confederation, Congress did not have the power to act directly on the people. If it passed laws, it had to depend on the states to enforce them. Congress could not raise taxes to support itself; it could only ask the states for money. Many states ignored congressional requests for funds.

Most of the Framers agreed on the need for a stronger national government. But there were still some disagreements. The Framers' experience with the government of Great Britain had left many of them very suspicious of national power.

The compromises over representation and slavery greatly reduced resistance to increasing the power of the national government. However, the delegates still disagreed over how much power to give to each of the three branches of the national government. The problem was to create a national government that was

- strong enough to protect the rights of the people (especially property rights), and yet
- not so strong that it would endanger those rights.

## How should the Constitution be written to give power to Congress?

The Framers could have written the Constitution in general language. James

Madison argued that the new Congress should have all the powers that it had under the Articles of Confederation. In addition, he wanted Congress to make all laws which the state legislatures were unable to make. He also said Congress should be given the power to veto laws made by state legislatures. These recommendations would have given the national government a large amount of power over the states and the people. Some delegates agreed with Madison.

Many of the Framers disagreed with him. They saw a problem with general language in the Constitution. General language could be interpreted to give the government the power to do almost anything it wanted to do. It does not provide a good way to limit the powers of government. They also opposed giving Congress the power to veto laws made by state legislatures. Under British rule, royal governors and Parliament had vetoed acts of the colonial legislatures. The Framers did not want to give this power to Congress.

One alternative was to use very specific language in the Constitution. This would be to write down exactly what the Congress could and could not do. The problem with such specific language was that it might leave out important powers needed by Congress to deal with unforeseen situations.

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

## Specific powers of Congress

Article I deals with the powers of Congress. It takes up more than half the Constitution—which shows how important it was to the Framers. Article I, section 8 includes seventeen specific, or **enumerated powers**. Some of these powers are the right of Congress:

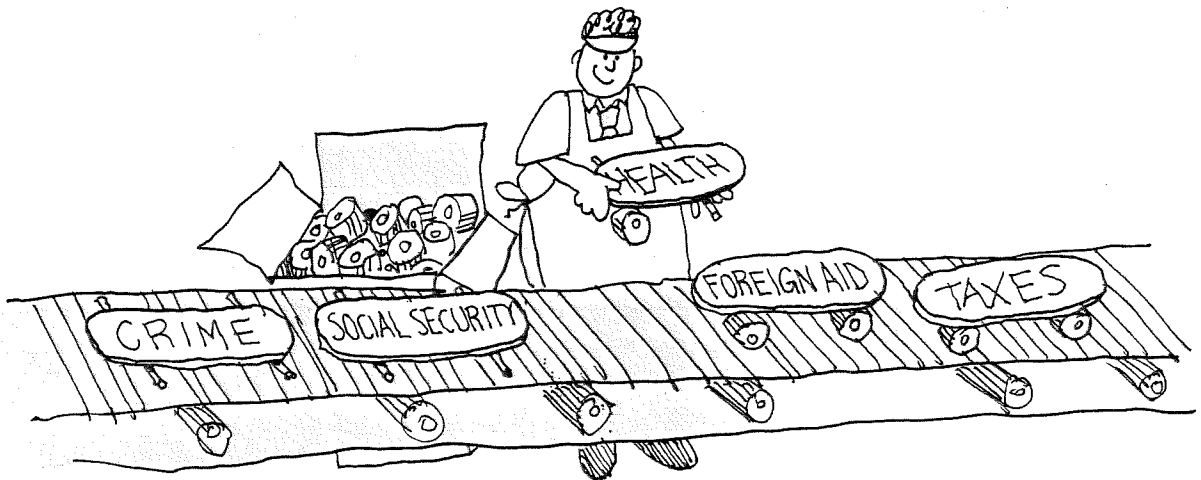
- to impose and collect taxes and duties
- to borrow money
- to regulate commerce with foreign nations and among the states
- to coin money (create a national currency)
- to establish post offices
- to declare war and to raise an army and navy

## General powers of Congress

Article I, section 8 also includes two important general statements of power given to Congress. These give Congress the power to

- "... provide for the common defense and **general welfare** of the United States....", and
- make all laws which shall be "**necessary and proper**" for carrying out the other powers that have been given to Congress. For example, the Constitution gives Congress the power to maintain an army and navy. The necessary and proper clause gives it the power to pass those laws that are necessary to do this. These might include the power to pass laws requiring citizens to serve in the armed forces.

# CONGRESS MANUFACTURING CO. "We Make The Laws"



What are the responsibilities of the legislative branch of government?

## A source of conflict

The general welfare and necessary and proper clauses have allowed the Congress to greatly increase its powers. As a result, today the national government has far more power than most of the Framers could have imagined.

These clauses did not cause any disagreements at the convention. However, they caused strong disagreements during the debates over the ratification of the Constitution. They also resulted in conflicts in the early years of the new government. You will learn more about these conflicts in later lessons.

## Problem solving

### Creating bills that are constitutional

A bill is a proposed law. Members of Congress create bills and try to get a majority of both houses to vote for them. If this happens, the bill is sent to the President for his approval. If the President approves a bill, it becomes a law. If the President vetoes a bill, it can only become a law if two-thirds of both houses of Congress vote for it after the veto.

Your class should be divided into congressional committees of about five members each. Complete the following activity and report your findings to the entire class.

Your committee wants to introduce several bills in Congress. The following are the purposes of some bills you are considering. Review the general and specific powers granted to Congress. For each bill, make an argument that Article I, section 8 does or does not give Congress the power to pass it. Then develop answers for the questions that follow.

- A bill that allows the United States Treasury to borrow money by selling savings bonds.
- A bill that allows the executive branch to draft citizens to serve in the armed forces.
- A bill that allows the executive branch to conduct a space exploration program.
- A bill that allows the executive branch to fine industries that pollute the air.
- A bill that requires the executive branch to use tax money to provide medical assistance to older citizens who cannot pay for it themselves.

1. Consider the powers given Congress by Article I, section 8. Create three bills that you think Congress could not pass under that Article. Explain why you think so.
2. Explain what problems might arise because of the way Article I, section 8 is written.

## What does Article I do?

Article I strengthened the powers of Congress. If you review Article I you will see it lists the powers of Congress and limits on those powers. 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 the government did not become a threat to the people's rights.

Article I, section 9 limits the power of Congress. It lists things Congress cannot do. For example, Congress is not allowed to create a class of nobles. Members of the government cannot accept titles of nobility from foreign governments. This shows how important the Framers thought it was for republican government to treat all citizens equally.

Article I, section 10 limits the powers of state governments. It lists things state governments cannot do. For example, states cannot tax the import or export of goods. They cannot declare and carry out a war. This section increased the power of the national government in relation to the state governments.

## Reviewing and using the lesson

1. What experiences of the Framers might have influenced their ideas about how much power they should give the national government? Give examples of some of these experiences.
2. Why do you think the Framers devoted so much of the Constitution to the legislative branch?
3. Read Article I, section 9 of the Constitution. What do you think was the purpose of each of the limitations listed?

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Hour: \_\_\_\_\_

## Conflict Over Legislative Powers

Using Lesson 14 in *We the People*, answer the following questions in complete sentences. Be sure to answer all parts of the question.

1. What were two problems that the framers faced in creating a new national government?
2. Why did James Madison want to use '<sup>General</sup>~~common~~ language' in the Constitution? Why did some framers feel it was necessary to include 'specific language' instead?
3. What are enumerated powers? Provide at least FOUR examples of enumerated powers.
4. What are the general powers of Congress? How could the general powers lead to conflicts?
5. What is the purpose of Article I? (other than it deals with the Legislative Branch)



Define:

1. Enumerate: \_\_\_\_\_
2. Power: \_\_\_\_\_
3. General: \_\_\_\_\_
4. Welfare: \_\_\_\_\_
5. Clause: \_\_\_\_\_
6. Necessary: \_\_\_\_\_
7. Proper: \_\_\_\_\_
8. Specific: \_\_\_\_\_
9. Situation: \_\_\_\_\_
10. Regulate: \_\_\_\_\_
11. Impose: \_\_\_\_\_
12. Balance: \_\_\_\_\_
13. Noble: \_\_\_\_\_
14. Debate: \_\_\_\_\_
15. Delegation: \_\_\_\_\_
16. Suspicious: \_\_\_\_\_
17. Resistance: \_\_\_\_\_
18. Endanger: \_\_\_\_\_
19. Language: \_\_\_\_\_
20. Alternative: \_\_\_\_\_

Write two sentences from two words above.

1. \_\_\_\_\_
2. \_\_\_\_\_