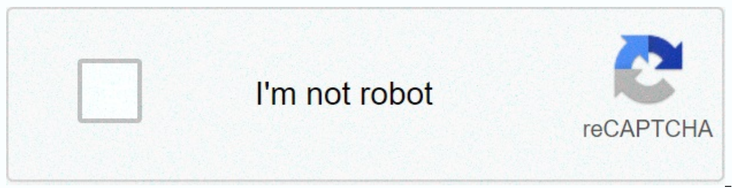

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Expressed powers of congress article 1

Clause 1 Congress shall have the power to add and collect taxes, fees, cheaters and fees, to pay the debt and provide for the common defense and general welfare of the United States; but all duties, impostors and excises shall be uniform throughout the United States; ArtI.S8.C1.1 Taxing Power ArtI.S8.C1.2 Using PowerClause 2 To Borrow Money on Credit by the United States; ArtI.S8.C2.1 Borrow PowerClause 3 To regulate trade with foreign nations, and among the several states, and with the Indian tribes; ArtI.S8.C3.1 Commerce PowersClause 4 To establish a uniform rule for naturalization, and uniform laws on the subject of bankruptcies across the United States; ArtI.S8.C4.1 Naturalization PowerArtI.S8.C4.2 Bankruptcy PowerArtI.S8.C4.2.1 Bankruptcy Power: Learn and PracticeClause 5 to mint money, regulate the value of these, and of foreign coins, and fix the standard of weights and measures; ArtI.S8.C5.1 Coinage PowerClause 6 To provide penalties for counterfeiting of securities and current coin of the United States; ArtI.S8.C6.1 Fake PowerClause 7 To establish post offices and post offices; ArtI.S8.C7.1 Postal PowerClause 8 To promote the arts and useful art of science, by ensuring limited times to writers and inventors exclusive right to their respective writings and discoveries; Clause 9 To make tribunals inferior to the Supreme Court; § 10 To define and punish piracies and crimes committed on the high seas, and offenses against the Law of Nations; ArtI.S8.C10.1 Define and punish clauseEn 11 To declare war, give Letters of Marque and Retaliation, and make rules on catches on land and water; Clause 12 To raise and support armies, but no allocation of money for this use shall be in the longer term than two years; ArtI.S8.C12.1 Power to Raise and Support an ArmyClause 13 Providing and Maintaining a Navy; § 14 To create rules for the government and regulation of land and naval forces; ArtI.S8.C14.1 Power to control and regulate land and naval forcesClause 15 To make sure to encourage the militia to carry out the laws of the Union, suppress rebellions and reject invasions; ArtI.S8.C15.1 Power to Call Forth the MilitiaClause 16 To provide for organization, armament and discipline, the militia, and to govern such a portion of those who may be employed in the service of the United States, reserve to the United States respectively, the appointment of the officers, and the authority to train the militia according to the discipline prescribed by Congress; ArtI.S8.C16.1 Power to organize militiasClause 17 To exercise exclusive legislation in all cases, over such a district (not exceeding ten Miles square) which may, upon termination of certain states, and acceptance of Congress, become the seat of the government of the United States, and to exercise as Authority all places purchased by the consent of the Legislature of the State where the same shall be, for the construction of forts, magazines, arsenals, dock-yards, and other needy buildings;–AndArtI.S8.C17.1 Power over the seat of the government ArtI.S8.C17.2 Power over places purchasedClause 18 To make all laws that shall be necessary and correct to implement the preceding powers, and all powers others earned by this Constitution in the government of the United States or in a department or officer thereof. ArtI.S8.C18.1 Necessary and Proper ClauseArtI.S8.C18.2 Implied Powers CongressArtI.S8.C18.2.1 Implied Power Congress to Conduct Investigations and Supervision ArtI.S8.C18.2.1.1 Implied Congress's power to conduct investigations and oversight: Historical background ArtI.S8.C18.2.1.2 Congressional implied power to conduct investigations and oversight: Doctrine and practice ArtI.S8.C18.2.2 Implied power Congress over immigration Congress shall have the power to lay and collect taxes, Duties and duties , Impostors and excises, to pay the debt and provide for common defense and general welfare in the United States; but all duties, impostors and excises shall be uniform throughout the United States; To borrow money on the credit of the United States; To regulate trade with foreign nations, and among the several states, and with the Indian tribes; To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies across the United States; To mint money, regulate the value of these, and of foreign coin, and fix the Standard of Weights and Measures; To provide the penalty for falsifying securities and current coin in the United States; To establish post offices and postal roads; To promote the progress and useful art of science, by ensuring for limited times to writers and inventors the exclusive right to their respective writings and discoveries; To make tribunals worse than the Supreme Court; To define and punish piracies and crimes committed on the high seas, and offenses against the law of nations; To declare war, give letters of Marque and Retaliation, and make rules about catches on land and water; To raise and support armies, but no allocation of money for this use should be for a longer period than two years; To provide and maintain a navy; To make rules for the government and regulation of land and naval forces; To make sure to call out the militia to carry out the laws of the union, suppress rebellions and reject invasions; To provide for organization, armament and discipline, the militia, and to govern such a part of those who may be employed in the service of the United States, reserve to the United States respectively, the appointment of the officers, and the authority to train the militia according to the discipline prescribed by Congress; Exercising Legislation in all cases, over such a district (not over ten Miles square) that may, upon termination of certain states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise as authority over all places purchased by the consent of the legislature of the state where the same shall be, for the entry of Forts, Magazines, Arsenals, dock-yards and other needy buildings;-And to make all laws that shall be necessary and correct to implement the preceding powers , and all other powers earned by this Constitution in the Government of the United States, or in any department or officer thereof. Part of the U.S. Constitution of Congress This article is part of a series aboutConstitution of Deunited States Introduction and Articles Introduction I II III IV V VI VII Amendments to the Constitution Bill of Rights: I II III IV V VII VIII IX X XIII XIV XIV XV XVI XVII XVI XIX XX XXI XXII XXIII XXIII XXV XXV XXVIVI XXVII Unratified Amendment : Congressional Distribution Titles of Nobility Corwin Child Labor Equal Rights D.C. Voting Rights History Preparation and Ratification Timeline Convention Signing Federalism Republicanism Full Text Introduction and Articles I-VII Amendments I-X Amendments XI-XXVII Unratified Changes USA Portal Law Portal Policy Portal Wikipedia Bookvte Article One of the United States Constitution establishes the legislative branch of the federal government, the U.S. Congress. Under Article 1, Congress is a bicameral legislature comprising the House of Representatives and the Senate. Article 1 gives Congress various enumerated powers and the ability to enact laws necessary and appropriate to carry out these powers. Article 1 also establishes the procedures for passing a bill and sets different limits on the powers of Congress and states from abusing their powers. Article One's western clause gives all federal legislative power to Congress and states that Congress is made up of the House of Representatives and the Senate. In combination with the earning clauses of Article Two and Article 3, the Vesting Clause of Article 1 establishes the separation of powers among the three branches of the federal government. Section 2 of Article 1 addresses the House of Representatives and states that members of the House are elected every two years, with congressional seats distributed to the states on the basis of the population. Section 2 contains various rules for the House of Representatives, including a provision that persons eligible to vote in elections for the largest chamber of the state Legislature have the right to vote in elections for the House of Representatives. Section 3 addresses the Senate, and states that the Senate consists of two senators from each state, each senator serving a Term. Section 3 originally required the state legislatures to elect members of the Senate, but the seventeenth amendment, ratified in 1913, ensures direct election of senators. Section 3 sets out various other rules for the Senate, including a provision that establishes the vice president of the United States as president of the Senate. Section 4 of Article 1 gives states the power to regulate the congressional electoral process, but stipulates that Congress can change these regulations or create its own regulations. Section 4 also requires Congress to convene at least once a year. Section 5 sets different rules for both the Houses of Congress and gives the House of Representatives and the Senate the power to judge their own choices, determine the qualifications of their own members, and punish or expel their own members. Section 6 stipulates compensation, privileges, and restrictions for those who hold the office of Congress. Section 7 lays out the procedures for passing a bill, which requires both Houses of Congress to pass a bill in order for it to become law, subject to the veto power of the President of the United States. Under Section 7, the president can veto a bill, but Congress can override the president's veto with a two-thirds vote from both chambers. Section 8 determines congressional powers. (Taxes are distributed by the state's population) It includes several listed powers, including the power to lay and collect taxes, duties, deception, and interests (provided duties, impostors, and exiles are uniform throughout the United States), to provide for the common defense and general welfare of the United States, the power to regulate interstate and international trade, the power to set naturalization laws, the power to mint and regulate money, the power to borrow money on the United States' credit. , the power to establish post offices and postal roads, the power to establish federal courts inferior to the Supreme Court, the power to raise and support an army and a navy, the power to call out the militia to carry out the laws of the union, suppress rebellion and reject invasions and to provide for the militia's organization of , arming, discipline... and govern and give Congress the power to declare war. Section 8 also gives Congress the power to establish a federal district to serve as the national capital and gives Congress exclusive power to administer that district. In addition to various listed powers, Section 8 gives Congress the power to make laws necessary and proper to carry out its listed powers and other powers earned in it. Section 9 sets different limits on the power of Congress, prohibits bills of attainder and other practices. Section 10 sets limits on the states, prohibits them from entering into alliances with foreign powers, weakening contracts, taxing imports or exports over minimum necessary for inspection, holding armies, or engaging in war without the consent of Congress. Section 1: Legislative power earned in Congress Elaborate Article: Vesting clauses Opening of the 112th Congress in the House of Representatives Chamber, January 5, 2011 All legislative powers here granted shall be earned in a Congress of the United States, which shall consist of a Senate and House of Representatives. Section 1 is an earning clause that gives Congress federal legislative power. Similar sentences can be found in Articles II and III. The former assigns executive power to the president alone, and the latter gives judicial power exclusively to the federal judiciary. These three articles create a separation of powers among the three branches of the federal government. This distribution of power, in which each branch can exercise only its own constitutional powers and no one else,[1][2] is fundamental to the idea of a limited government that is accountable to the people. The separation of the principle of power is particularly remarkable with respect to Congress. The Constitution declares that Congress can exercise only the legislative powers here provided in Article I (which is later limited by the Tenth Amendment). [3] It also prohibits, by implied expansion, Congress from delegating its legislative authority to one of the other branches of government, a rule known as the nondelegation doctrine. [4] However, the Supreme Court has ruled that Congress has latitude to delegate regulatory powers to executive agencies as long as it provides an understandable principle that governs the agency's exercise of delegated regulatory authority. [5] That the power assigned to each branch must remain with this branch, and can only be expressed by this branch, is central to the theory. [6] The unserviced doctrine is primarily used now as a way to interpret a congressional delegation of authority narrowly,[7] by the courts assuming that Congress only intended to delegate what it absolutely could, unless it clearly demonstrates that it intended to test the waters of what the courts would allow it to do. [8] Although not specifically mentioned in the Constitution, Congress has also long asserted the power to investigate and the power to force cooperation with an investigation. [9] The Supreme Court has affirmed these powers as an implication of Congress's power to legislate. [10] Since the power to investigate is an aspect of Congress's power to legislate, it is as broad as Congress' powers to legislate. [11] However, it is also limited to inquiries that are in support of the legislative function. [12] Congress cannot disclose for the sake of exposure. [13] It is uncontroversial that a proper subject of congressional investigative powers is the operations of the federal government, but Congress's ability to force the disclosure of documents or from the president or his subordinates are often discussed and sometimes controversial (see executive privilege), but not often proseded. As a practical matter, the limitation of Congress's ability to investigate only for a proper purpose (in support of its legislative powers) serves as a limit to Congress's ability to investigate private matters for individual citizens; matters that only require action from another branch of government, without implicating a matter of public policy requiring legislation by Congress, must be left to these branches because of the doctrine of separation of powers. [14] However, the courts are highly deferential to Congress's exercise of its investigative powers. Congress has the power to investigate what it can regulate,[11] and the courts have interpreted Congressional regulatory powers broadly since the Great Depression. § 2: House of Representatives Clause 1: Composition and choice of members The House of Representatives shall consist of members elected every two years by the people of several states, and the voters of each state shall have the qualifications necessary for voters of the most numerous branch of the state legislature. Section 2 provides for the election of the House of Representatives every two years. Since representatives will be elected ... of the people, state governors are not allowed to appoint temporary replacements when vacancies arise in a state delegation to the House of Representatives; Instead, the governor of the state is required by clause 4 to issue a font of the election calling a special choice to fill the vacancy. At the time of its creation, the Constitution did not explicitly give citizens an inherent right to vote. [15] However, by stipulating that those eligible to vote in elections for the largest chamber of a state legislature could vote in congressional (House of Representatives) elections, Framers expressed a rather explicit intent that the House should be elected directly. Since the Civil War, several constitutional amendments have been passed that have dampened the broad powers of states to set voting eligibility standards. Although never enforced, clause 2 of the Fourteenth Amendment provides that when the right to vote in an election for the election of electors to president and vice president of the United States, representatives of Congress, executive and legal officers of a state, or members of the legislature thereof, some of the male citizens of such a state are denied , to be twenty-one years old , and citizens of the United States, or in any way abbreviated, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion that the number of such male citizens shall bear to the entire number of male citizens twenty-one years in such state. It Amendment prohibits denial of the right to vote based on race, color or previous state of bondage. The nineteenth amendment prohibits denial of the right to vote based on sex. The Twenty Fourth Amendment prohibits the revocation of voting rights due to non-payment of a voting tax. The 26th Amendment prohibits denial of the right of American citizens, eighteen years or older, to vote because of age. Moreover, since the Supreme Court has recognized voting as a fundamental right,[16] the equality clause places very tight restrictions (albeit with uncertain limits) on the ability of states to define voter qualifications; It is fair to say that qualifications beyond citizenship, residency and age are usually questionable. [17] In the 1960s, the Supreme Court began to see voting as a fundamental right covered by the Equality Clause of the Fourteenth Amendment. [18] In a dissenting statement about a 1964 Supreme Court decision involving reinstating alabama's state legislature, Associate Professor John Marshall Included Harlan II Minor v. Happersett (an 1875 case that allowed states to deny women the right to vote) in a list of previous decisions on voting and distribution that was no longer followed.

[19] In Oregon against. Mitchell (1970), the Supreme Court argued that the eligibility clause did not prevent Congress from overriding state-imposed age restrictions for voters in Congressional elections. [20] Since section 3 provides that the House of Representatives is divided state-by-state and that each state is guaranteed at least one representative, exact population equality between all districts is not guaranteed, and in fact it is impossible, because while the size of the House of Representatives is fixed at 435, several states had less than 1/435 of the national population at the time of the last harvest in 2010. However, the Supreme Court has interpreted the provision in Clause 1 that representatives should be elected by the people to mean that in those states with more than one member of the House of Representatives, each congressional district in the state must have almost identical populations. [21] Section 2: Qualifications for Members No person shall be a representative who shall not have achieved until the age of twenty-five years, and was a seven-year citizen of the United States, and who does not, when elected, shall be a resident of the state in which he is to be elected. The Constitution provides three requirements for representatives: A representative must be at least 25 years old, must be a resident of the state in which he or she is elected, and must have been a citizen of the United States for the past seven years. There is no requirement for a representative to live in the district where he or she represents; although this usually the case, there have been occasional exceptions. [22] The Supreme Court has interpreted the qualification clause as an exclusive list of qualifications that cannot be supplemented by a congress house exercising its Section 5 authority to judge ... It... qualifications of its own members[23] or by a State in its exercise of its Section 4 authority to prescribe times, places and way of holding elections for senators and representatives. The Supreme Court, as well as other federal courts, has repeatedly barred states from additional restrictions, such as imposing term limits for members of Congress, allowing members of Congress to be subject to recall elections, or requiring representatives to live in the congressional district where they represent. [24] A 2002 Congressional Research Service report also found that no state could carry out a qualification that a representative should not be convicted or imprisoned. [26] However, the U.S. Supreme Court has ruled that certain requirements for ballot access, such as filing fees and filing a certain number of valid signatures, do not constitute additional qualifications, thus there are few constitutional restrictions on how strict ballot access laws can be. Finally, although the U.S. Constitution does not place any restrictions on state or local office holders while holding federal office, most state constitutions currently effectively prohibit state and local office holders from also holding federal office at the same time by prohibiting federal office holders from also holding state and local offices. Unlike other state mandate restrictions, this type of ban is constitutional as long as they are enforced purely at the state level (that is, against active federal office holders seeking to obtain or hold a state or local office). Clause 3: Distribution of representatives and taxes Representatives and direct taxes shall be distributed among the several states that may be included in this Union, according to their respective figures, to be determined by adding the full number of free persons, including those who are bound to service for an annual period, and excluding Indians who are not taxed, three-fifths of all other persons. The enumeration itself shall be done within three years of the first meeting of the Congress of the United States, and within each subsequent period of ten years, in such a way as they should by law directly. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration is to be done, the state of New Hampshire shall be entitled to chuse [sic] three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina South Carolina 5, and Georgia three. After much debate, the framers of the Constitution decided to make the population the basis for distributing the seats in the House of Representatives and the tax liability between the states. To facilitate this, the Constitution mandates that a census be conducted every ten years to determine the population of each state and of the nation as a whole and establish a rule for who should be counted or excluded from the census. As the new form of government became operational before a national census was completed, the constitution also ensures a temporary distribution of seats. Originally, the population of each state and of the nation as a whole was ascertained by adding the full number of free persons, three-fifths the number of other persons (that is, slaves), but excluding non-taxed Indians. This constitutional rule, known as three-fifths compromise, was a compromise between southern and northern states where three-fifths of the population of slaves would be counted for enumeration purposes and for the allocation of seats in the House of Representatives and of taxes among the states. It was, according to Supreme Court Justice Joseph Story (who wrote in 1833), a matter of compromise and concession, professed differently in his operation, but a necessary victim of that spirit of conciliation, which was indispensable for the fact that the states had a great diversity of interests and physical state and political institutions. [27] Section 2 of the Fourteenth Amendment (1868) later replaced Article 1, Section 2, Clause 3 and explicitly revoked the compromise. After the completion of each census, Congress is authorized to use the overall population of all states (according to the prevailing constitutional rule for determining the population) to determine the relative population of each state to the population of it all, and, based on its calculations, to establish the correct size of the House[28] and to assign a certain number of representatives to each state according to its share of the national population. Since the passage of the Reapportionment Act of 1929, a constant 435 House seats have been distributed among the states according to each census, and determining the size of the House is currently not part of the distribution process. With one exception, the distribution of 1842, the House of Representatives had been expanded by various degrees from sixty-five members in 1788 to 435 members by 1913. The determination of the size was made based on the total national population, as long as the size of the House does not exceed 1 member for every 30,000 of the country's total population[29] or the size of any state delegation exceeds 1 for every 30,000 of the state's population. [30] With the size of the house still stuck at 435, the current conditions, which The 2010 census is around 1 representative per 700,000 people. [31] However, after the 1920 census, Congress failed to allocate the House, with the House using the allocations of the Distribution Act of 1911 until after the 1932 election, which was the date set by Congress after it was passed and the president passed the Reapportionment Act of 1929. This resulted in the representation in the House remaining frozen for twenty years. [32] The reintroduction of the House of Representatives required Congress to pass a bill, and the president signed a bill to harvest the House from the page ratification of the Constitution until 1941, which is when a self-execution law was passed, thus making harvesting an automatic process. [33] Although the first sentence of this clause originally applied to the distribution of both House seats and taxes among the several states, the Fourteenth Amendment clause that replaced it in 1868 mentioned only the distribution of House seats. Nevertheless, the restriction remained on the power of Congress, as the restriction was repeated in Article 1 Section 9 clause 4. The amount of direct taxes that can be collected by the federal government from the people of any state would still be linked directly to the state's share of the national population. Due to this limitation, the application of income tax to income derived from real estate and in particular income in the form of dividends from personal property ownership as share stocks was found to be unconstitutional because it was not distributed among the states; [34] That is, there was no guarantee that a state with 10% of the nation's population paid 10% of these income taxes collected, because Congress had not resolved a amount of money to be raised and distributed it between the states according to their respective shares of the national population. To allow the collection of such income tax, Congress and the states proposed ratifying the sixteenth amendment, which removed the restriction by specifically allowing Congress to collect a tax on income from which source is derived without it being distributed among the states or otherwise based on a state's share of the national population. Clause 4: Vacancies When vacancies occur in the representation of any state, the executive authority of these shall issue elections writs to fill such vacancies. Section 2, clause four, provides that when vacancies occur in the House of Representatives, it is not the house of representatives' job to facilitate a replacement, but the job of the state whose vacant seat is up for refill. Furthermore, the state governor cannot appoint a temporary replacement, but must instead make a special choice to fill the position. The original qualifications and procedures for keeping that choice are still valid. Clause 5: Speaker and officers; Impeachment The House of Representatives shall chus [sic] their speaker and other officers; and shall have the only impeachment power. Section 2 further states that the House of Representatives can elect its speaker and its other officers. Although the Constitution does not mandate it, every speaker has been a member of the House of Representatives. [35] The speaker rarely presides over routine house sessions, choosing instead to deputize a junior member to perform the task. Finally, Section 2 grants to the House of Representatives the only force of impeachment. Although the Supreme Court has not had the opportunity to interpret this specific provision, the court has suggested that the grant for the only impeachment power of the House of Commons makes the House the exclusive interpreter of what constitutes an impeachment. [36] This power, which is analogous to bringing criminal charges by a grand jury, has been used only rarely. [37] The House has begun impeachment proceedings 62 times since 1789, and twenty federal officials have been formally impeached as a result, including three presidents (Andrew Johnson, Bill Clinton and Donald Trump), a Cabinet secretary (William W. Belknap), a senator (William Blount), a Supreme Court justice (Samuel Chase) and fourteen federal judges. Also, in particular, impeachment proceedings forced to go by President Richard Nixon. The Constitution does not specify how impeachment proceedings should be initiated. Until the beginning of the 20th century, a member of the House of Representatives could stand up and propose an impeachment, which would then be assigned to a committee for the investigation of a formal resolution vote by the Judiciary Committee. Currently, the House Judiciary Committee initiates the process and then, after examining the allegations, prepares recommendations for the full House review. If the House of Representatives votes to pass an impeachment resolution, the chairman of the Judiciary Committee recommends a slate of leaders, which the House later approves by resolution. These representatives will then become the prosecution team in the impeachment trial in the Senate (see section 3, paragraph 6 below). [37] Section 3: Senate Clause 1: Composition; The election of Senators Gilded Age monopolies could no longer control the US Senate (left) by destroying state legislators (right). The U.S. Senate will consist of two senators from each state, elected by the legislature thereof, for six years; and every senator should have one vote. The first clause of section three gives that each state has the right to have two senators, who would be elected by their state legislature (now by the people of each state), serve for staggered six-year terms, and have one vote each. By these provisions, the framers of the Constitution intended to protect the interests of the States States. [38] This clause has been replaced by the seventeenth Amendment, ratified in 1913, which partially provides as amended, that the Senate in the United States shall consist of two senators from each state, elected by the people thereof, for six years; and every senator should have one vote. [39] Article 5 specifies how the United States Constitution may be amended. It ends up temporarily shielding three Article I clauses from being amended. This clause is among them. (The second are first and fourth clauses in Section 9.) Article five states that no state, without its consent, shall deprive its equal voting rights in the Senate. Thus, no individual state can have its individual representation in the Senate aligned without consent. That is, an amendment that amended this clause to allow all states would get only one senator (or three senators, or another number) could become valid as part of the Constitution if ratified by three-quarters of the states; But someone who provided some basis for representation other than strict numerical equality (such as population, wealth or land) would require unanimous consent from all states. Denying states their intended role as joint partners in the federal government by abolishing their equality in the Senate would, according to Chief Justice Salmon P. Chase (in Texas v. White), destroy the grounding of the Union. This Article V provision has been used by those who oppose considered constitutional changes that would give the District of Columbia full representation in Congress without also granting it statehood. Their argument is that an amendment that would allow a non-state district to have two senators would deprive their states of equal voting rights in the Senate and would therefore require unanimous ratification of all states. [40] Those in favor of the amendment have argued that states have only the right to equal voting rights among each other, and that granting the federal district Senate representation does not violate this right. Whether unanimous consent from the 50 states would be necessary for such a change to become operational remains an unanswered political issue. Clause 2: Classification of senators; Vacancies Immediately after they are to be put together as a result of the first election, they should be divided as equally as they may be in three classes. The seats of the first-class senators shall be abandoned at the end of the second year, of the second class at the end of the fourth year, and of the third class at the end of the sixth year, so that a third can be selected every two years; and if vacancies occur upon termination, or otherwise, in the recess of the Legislature of a State, the executive of these may make temporary agreements to the next of the legislature, which will then fill such vacancies. After the first group of senators was elected to the first Congress (1789–1791), the senators were divided into three classes as large as possible, as required by this section. This was done in May 1789 by a lot. It was also decided that each state's senators would be assigned two different classes. These senators grouped in first class had their period expire after only two years; The second-grade senators had their term expired after just four years, instead of six. Since then, all senators from these states have been elected to six-year terms, and as new states have joined the Union, their Senate seats have been awarded to two of the three classes, maintaining each grouping as almost as similar in size as possible. In this way, the choice is shifted; about a third of the Senate is up for re-election every two years, but the whole body is never up for re-election in the same year (unlike the House, where the entire membership is up for re-election every two years). As originally established, senators were elected by the legislature of the state they represented in the Senate. If a senator died, resigned, or was expelled, the state legislature would appoint a replacement to serve out the rest of the senator's term. If the state legislature was not in session, the governor could appoint an interim replacement to serve until the legislature could choose a permanent replacement. This was replaced by the seventeenth Amendment, which provided for the popular election of senators, rather than their appointment of the state legislature. In a nod to the Senate's less populist nature, the amendment tracks the vacant procedures for the House of Representatives in requiring the governor to call a special election to fill the vacancy rate, but (unlike in the House) the west of the state legislature's authority to allow the governor to appoint an interim replacement until the special election is held. Note, however, that under the original Constitution, the governors of the states were expressly permitted by the Constitution to make temporary agreements. The current system, under seventeenth amendments, allows governors to appoint a replacement only if their state legislature has previously decided to allow the governor to do so; Otherwise, the seat must remain vacant until the special election is held to fill the seat, as in the case of a vacancy in the House. Clause 3: Qualifications of senators No person shall be a senator who shall not have achieved to thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be a citizen of the state in which he is to be elected. A senator must be at least 30 years old, must have been a citizen of the United States for at least nine before they are elected and must stay in the state they will represent at the time of the election. The Supreme Court has interpreted the qualification clause as an exclusive list of qualifications that cannot be supplemented by a Congressional meeting exercising its Section 5 authority to Judge ... It... Qualifications of its own members,[23] or by a state in its exercise of its Section 4 authority to prescribe the Times, Places and Manner of holding Elections for Senators and Representatives,... [25] Clause 4: Vice President of the Senate See also: List of tie-breaking votes cast by vice presidents of the United States The vice president of the United States shall be president of the Senate , but shall have no vote, unless they are equally divided. Section three makes sure the vice president is the president of the Senate. With the exception of the duty to receive the recount of electoral votes for president, this is the only common responsibility assigned to the vice president's office by the Constitution. When he serves in this capacity, the vice president, who is not a member of the Senate, can cast tie-breaking votes. Early in the country's history, vice presidents often presided over the Senate. In modern times, the vice president usually does so only during ceremonial occasions or when a tie in the vote is expected. December 21, 2018 [update], a tie-breaking vote has been cast 268 times. [41] Clause 5: President pro tempore and other officers Senate shall chuse [sic] his fellow officers, and also a president pro tempore, in the absence of the vice president, or when he will exercise the office of the President of the United States. Clause five provides for a president pro tempore of the Senate, who is elected to the position of the Senate, to preside over the body when the vice president is either absent or exercise the powers and duties of the president. Although the constitutional text seems to imply the opposite, the Senate's current practice is to elect a full-time president pro tempore at the beginning of each Congress, as opposed to making it an interim office only existing during the vice president's absence. Since World War II, the top (longest serving member) of the majority party has filled this position. [42] As is the case with the Representative of the House of Representatives,[35] the Constitution does not require the president pro tempore to be a senator, but at the convention a senator is always elected. Section 6: Impeachment proceedings the Senate shall have the only power to try all impeachment. When they sit for this purpose, they should be on Oath or Affirmation. When the President of the United States is tried, the Attorney General shall preside: And no one shall be convicted without the simultaneousness of two-thirds of the members present. Clause six gives the Senate the only power to try impeachment and spell out the basics for impeachment proceedings. The Supreme Court has interpreted this clause to mean that the Senate has exclusive and invaluable authority to decide what constitutes an adequate impeachment trial. [43] Of the nineteen federal officials who were formally impeached by the House of Representatives, three resigned (meaning the case was dismissed), seven were acquitted, and eight (all judges) were convicted by the Senate. On one occasion (in the case of Senator William Blount in 1797), the Senate refused to hold a trial, arguing that the House had no jurisdiction over members of the Senate; In any case, Blount had already been expelled from the Senate. [44] The impeachment trial of President Clinton in 1999, with Attorney General William Rehnquist presiding over the framers of the Constitution, entred the Senate with that power for several reasons. First, they thought senators would be better educated, more virtuous and more high-minded than members of the House of Representatives and thus uniquely able to determine responsible the most difficult political issues. Second, they believed that the Senate, like many bodies, would be well suited to deal with the procedural requirements of an impeachment trial, in which, unlike judges and the judicial system, it would never be bound by such strict rules, either in demarcation of the offense by the prosecutor, or in the construction of it by judges, which in the usual cases serves to limit the discretion of the courts in favor of personal safety. (Alexander Hamilton, federalist No. 65). [45] There are three constitutional mandate requirements for impeachment proceedings. The provision that senators must sit on oath or confirmation was designed to impress them the extreme seriousness of the occasion. The provision that the Attorney General will preside over impeachment proceedings under the president underscores the solemnity of the occasion and aims to avoid the conflict of interest of a vice president's presiding over the case for the removal of the one official standing between them and the presidency. The latter consideration was considered to be quite important in the 18th century - political parties had not yet formed when the constitution was adopted, and with the original method of electing president and vice president it was assumed that the two people elected to these offices would often be political rivals. The specification that a two-thirds super-majority vote by these senators present to judge was also deemed necessary to facilitate serious consideration and to make removal possible only through a consensus that cuts across factional divisions. [45] Clause 7: Judgment in cases of impeachment; Penalty on conviction Judgment in cases of impeachment shall not extend beyond immediate removal from the Office, and disqualification for holding and enjoying any Office of Honor, Trust or Profit United States: but the convicted party shall nevertheless be liable and subject to prosecution, trial, judgment and punishment, according to the law. If an officer is impeached, he or she is immediately removed from office and may be banned from holding a public office in the future. No other penalties can be applied under the impeachment, but the convicted party is still responsible for trial and punishment in the courts for civil and criminal charges. Section 4: Congressional Election Clause 1: Time, Place and Way to Hold The Times, Places and Manner of Holding Elections for Senators and Representatives, shall be prescribed in each state by the Legislature thereof; but Congress can at any time by law make or change such regulations, except to places of chusing [sic] Senators. The purpose of this clause is twofold. First, it makes clear the division of responsibility with respect to the implementation of the election of federal senators and representatives. This responsibility lies primarily with the states and secondary with Congress. Second, the clause lodges the power to regulate elections in the respective legislative branches of the states and the federal government. [47] As approved by this clause, Congress has set a uniform date for federal elections: the Tuesday after the first Monday in November. [48] Today, as there are no federal regulations on site, states retain the authority to regulate the dates on which other aspects of the electoral process are held (registration, primaries, etc.) and where elections will be held. When it comes to regulating the manner of elections, the Supreme Court has interpreted this to mean issues such as messaging, registration, oversight of voting, protecting voters, fraud prevention and corrupt practices, counting votes, duties of inspectors and canvassers, and the production and publication of electoral returns. [49] The Supreme Court has ruled that states cannot exercise their power to decide the way of holding elections to impose time limits on their congressional delegation. [25] One of the most important ways each state regulates the way of elections is through its power to draw electoral districts. Although Congress could in theory draw the district map for each state,[50] it has not exercised this level of oversight. However, Congress has ordered states to comply with certain practices when drawing districts. States are currently required to use a one-member district system, in which the state is divided into as many electoral districts for representatives in the House of Representatives as the size of its representation in this body (that is, representatives cannot be elected at all from across the state unless the state has only one representative in the House, nor can districts choose more than 1 The Supreme Court has interpreted by the legislature thereof to include voters who use the initiative process, in those states whose constitutions provide it, to create an independent redistricting commission. [52] In the following years, Congress first exercised its power to regulate elections across the country in 1842, when the 27th[53] In the following years, Congress expanded the requirements, successively allowing continuity, compactness and significant equality of the population in the district requirements. These standards were all later erased in the Reapportionment Act of 1929. [54] Congress later reinstated the requirement that the districts be made up of contiguous territory, be compact, and have equal populations in each state. [55] Congress has allowed these requirements to lapse,[56] but the Supreme Court has re-imposed the population requirement of the states under the Equality Clause[21] and is suspicious of districts that do not meet the other traditional district criteria for compactness and continuity. In 1865, Congress legislated a remedy for a situation in which deadlocked state legislators over the election of senators created vacancies in office. The law required the two houses of each legislature to meet in a joint session on a specific day and then meet every day until a senator was elected. The first comprehensive federal statute of elections was passed in 1870 as a means of enforcing the Fifteenth Amendment's guarantee against racial discrimination in granting voting rights. Under the Enforcement Act of 1870, and subsequent laws, false registration, bribery, voting without legal right, making false returns of cast votes, interference in any way with election officers, and the neglect of such an officer of any duty required by state or federal law were made federal offenses. It was made provision for the appointment of federal judges of persons to attend registration points and by election with the authority to challenge any person who proposes to register or vote illegally, to witness the counting of votes, and to identify by their signatures registration of voters and electoral numbers. [54] Starting with the 1907 Tillman Act, Congress has introduced increasing restrictions on elections and campaign finance. The most important part of the legislation has been the 1971 Federal Election Campaign Act. It was this legislation that was the subject of the Supreme Court's groundbreaking decision, Buckley v. Valeo (1976), which faces a First Amendment challenge setting the ground rules for campaign finance legislation, generally prohibits restrictions on the expense of candidates but allows restrictions on contributions from individuals and companies. [58] In addition to statutory Congress and the states have changed the electoral process by amending the Constitution (first in the aforementioned fifteenth amendment). The seventeenth amendment changed the way to implement the election of senators; determine that they should be chosen by the people of the states. The nineteenth Amendment also prohibits any U.S. citizen from being denied voting rights on the basis of sex; The Twenty Fourth Amendment prohibits both Congress and states from conditioning the right to vote in federal elections on the payment of a voting tax or other types of tax; and the 26th Amendment prohibits states and the federal government from using age as a reason to deny the right to vote to U.S. citizens who are at least eighteen years old. Clause 2: Congress will convene at least once each year, and such a meeting should be the first Monday in December, unless by law they appoint another day. Section 2 sets an annual date that Congress must meet. In doing so, the Constitution allows Congress to meet, whether the president called it into the session or not. Article II, Section 3 gives the President limited authority to convene and repeal both houses (or any of them) and mandates that it will meet at least once a year to pass legislation on behalf of the people. Some delegates to the 1787 constitutional convention thought annual meetings were not necessary, for there would not be enough legislative activity for Congress to handle annually. Nathaniel Gorham of Massachusetts argued that time should be fixed to prevent disputes from occurring within the legislature, and to allow states to adjust their options to correspond with the fixed date. A fixed date also corresponded to the tradition of the states to have annual meetings. In the end, Gorham concluded that the legislative branch should be required to meet at least once a year to act as a check on the executive branch. [59] Although this clause stipulates that the annual meeting should be on the first Monday in December, the government established by the Constitution in 1787, did not start until 4 December 1787. When the first Congress held its first meeting on March 4, although a new Congress was elected in November, it did not enter office until March, with a lame duck session convening in the meantime. This practice was amended in 1933 after ratification of the Twentieth Amendment, which states (in Section 2) that Congress should convene at least once a year, and such a meeting should begin at 10:00 a.m. This change almost eliminated the necessity of the a lame duck session in Congress. Section 5: Procedure Clause 1: Qualifications for members Each House shall be a judge of choice, return and qualifications for its own members, and a majority of each shall constitute a quorum for doing business; but a minority number can be revoked from day to day, and may be authorized to force the attendance of absent members, in such a way, and under such penalties that each house can provide. § Five states that a majority of each house constitutes a quorum for doing business; a smaller number can repeal the House or force the attendance of absent members. In practice, the quorum requirement is ignored all but ignored. A quorum is believed to be present unless a quorum call, requested by a member, proves otherwise. Rarely do members request quorum conversations to show the absence of a quorum. More often, they use the quorum shell as a delaying tactic. Sometimes unqualified individuals have been admitted to Congress. For example, the Senate once conceded John Henry Eaton, a 28-year-old, in 1818 (the recording was unintentional, when Eaton's date of birth was unclear at the time). In 1934, a 29-year-old, Rush Holt, was elected to the Senate. He agreed to wait six months, until his thirteenth birthday, to take the oath. In that case, the Senate ruled that the age requirement applied from the date of oath-taking, not the date of the election. Clause 2: Rules Each house can determine the rules of its proceedings, punish its members for disorderly conduct, and at the same time of two-thirds, expel a member. Each house can decide its own rules (provided a quorum is present) and can punish some of its members. A two-thirds vote is needed to expel a member. Section 5, Clause 2 does not provide specific guidance to each house on when and how each house can change its rules, leaving details to the respective chambers. Clause 3: Proceedings each house shall keep a record of its proceedings, and from time to time publish the same, except for such parts that may in their judgment require secrecy; and Yeas and Nays of the members of both houses on any question shall, at the request of a fifth of those present, be entered in the Journal. Each house must keep and publish a Journal, although it may choose to keep any part of the Journal secret. The case in the House is registered in the Journal; If a fifth of those present (assuming a quorum is present) request it, members' votes on a particular question must also be entered. Clause 4: Termination Neither the House, during the Session of Congress, shall, without the consent of the other, repeal for more than three days, or to any other place than the one where the two houses will sit. None of the houses can repeal, without the consent of the other, for more than three days. Often a house will keep pro forma every three days; such sessions are held only to fulfill the constitutional requirement, and not to conduct business. Moreover, none of the House can meet in any place other than that designated for both houses (Capitol), without the consent of the other House. Section 6: Compensation, privileges and restrictions on containing civil office Clause 1: Compensation and legal protection Main article: Speech or debate clause The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out by the United States Treasury Department. In all cases, except treason, crime and breach of peace, they shall be privileged from arrest during their participation in the session of their respective houses, and in going to and returning from the same; and for any speech or debate in one of the houses, they shall not be questioned in any other place. Senators and representatives set their own compensation. Under the 27th Amendment, any change in compensation will not take effect until after the next congressional election. Paying senators and representatives out of the federal treasury was a departure from the practice under the Confederacy articles, where they were paid by the state where they were elected. [60] Members of both houses have certain privileges, based on those enjoyed by members of the British Parliament. Members who participate, go to or return from both houses are privileged from arrest, except for treason, crime or violation of the peace. You can't sue a senator or a slander oust that happens during the Congressional debate, nor can a member of Congress during a congressional session be the basis for criminal prosecution. The latter was confirmed when Mike Gravel published over 4,000 pages of the Pentagon Papers in the Congressional Record, which might otherwise have been a criminal act. This clause has also been interpreted in Grul v. USA, 408 US 606 (1972) to provide protection to aides and employees of sitting members of Congress, as long as their activities are related to legislative matters. Clause 2: Independence from the executive elaborate article: Ukqualification clause See also: Case fix No senator or representative shall during the time he was elected to any civil office under the authority of the United States, which shall have been created, or the emoluments of which shall have been increased during this time; and no person who has any office under the United States shall be a member of any of the houses during its continuation in office. Senators and representatives cannot simultaneously serve in Congress and have a position in the executive branch. This restriction is intended to protect legislative independence by preventing the president from using protections to buy votes in Congress. [61] There is a big difference from system in the British Parliament, where ministers are required to be members of parliament. Moreover, senators and representatives cannot resign to take newly created or higher-paying policy positions; Rather, they must wait until the conclusion of the term for which they were chosen. If Congress increases the pay of a particular officer, it could later reduce that salary to allow a person to withdraw from Congress and take that position (known as the Saxbe fix). The effects of the clause were discussed in 1937, when Senator Hugo Black was appointed associate professor in the Supreme Court with some time left in his Senate term. Just before the appointment, Congress had increased the pension available to judges who retired at the age of seventy. It was therefore suggested by some that the office's emolument had been increased during Black's senate term, and that therefore Black could not take office as justice. The answer, however, was that Black was fifty-one years old and would not receive the increased pension until at least 19 years later, long after his Senate term had expired. Section 7: Bills Clause 1: Bills of Revenue Main Article: Bills of Revenue All bills to increase revenue shall originate from the House of Representatives; but the Senate can propose or agree with amendments as on other bills. This establishes the method of creating Congressional actions involving taxation. At 1 a.m., any bill can come from one of the Houses of Congress, with the exception of an income bill, which can only originate from the House of Representatives. In practice, the Senate sometimes circumvents this requirement by replacing the text of an income bill previously passed by the House with a replacement text. [62] Both houses can amend any bill, including revenue and appropriations bills. This clause in the US Constitution stemmed from an English parliamentary practice that all bills of money must have their first reading in the House of Commons. This practice was intended to ensure that the power of the purse is possessed by the legislative body that is most responsive to the people, even though the English practice was changed in America by allowing the Senate to amend these bills. The clause was part of the great compromise between small and large states; The big states were dissatisfied with the skewed power of small states in the Senate, which is why the clause theoretically outweighs the unrepresentative nature of the Senate, compensating the major states to allow equal voting rights to senators from small states. [64] Clause 2: From Bill to Law Elaborate Article: Presentment Clause Each bill that shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; If he approves he will sign it, but if not he will return it, with his objections to the house where it has its origin, which shall go into the objections at large in its Journal, and continue to reconsider it. If, after such a reconsideration, two-thirds of this House agrees to pass the bill, it should be sent to the second House, where it should also be reconsidered, and if it is approved by two-thirds of that House, it should become a law. But in all such cases, the votes of both houses should be determined by yeas and Nays, and the names of the people who vote for and against the bill should be submitted to the Journal of each House respectively. If any Bill is not to be returned by the President within ten days (Sundays except) after it should have been presented to him, the same shall be a law, in the same way as if he had signed it, unless Congress in their termination prevents its return, in which case it shall not be a law. This clause is known as the presenting clause. Before a bill becomes law, it must be presented to the president, who has ten days (except Sundays) to act on it. If the president signs the bill, it'll be law. But to propose a constitutional amendment, two-thirds of both houses can send it to the states for the ratification, without the consideration of the president, as prescribed in Article V. If he disapproves of the bill, he must return it to the House where it originated along with his objections. This procedure has become known as the veto, although the specific word does not appear in the text of Article 1. The bill will not become law unless both houses, with two-thirds votes, override the veto. By overriding a veto, the votes of both houses must be made by yeas and nays, and the names of the people who vote for and against the bill must be registered. If the president neither signs nor returns the bill within a 10-day limit, the bill becomes law, unless congress has repealed in the meantime, thereby preventing the president from returning the bill to the House where it originated. In the latter case, by doing nothing about the bill at the end of a session, the president exercises a pocket vet, which Congress may not override. In the former case, where the president allows a bill to become law unsigned, there is no common name for the practice, but recent scholarship has termed it a standard decision. [65] What constitutes a postponement of the deference of the pocketveto has been unclear. In the Pocket Veto Case (1929), the Supreme Court argued that the crucial question in connection with an 'adjournment' is not whether there is a final repeal of Congress or a temporary postponement, such as a repeal of the first session, but whether it is one that 'prevents' the president from returning the bill to the House where it originated within the time it is allowed. Since none of the Houses of Congress were in session, the president could not bill to one of them, thus allowing the use of pocket veto. In Wright v. United States (1938), however, the court ruled that one-house layoffs simply did not constitute a repeal of Congress required for a pocket vet. In such cases, the secretary or secretary of the House in question was ruled competent to receive the bill. Some presidents have made very extensive use of the veto, while others have not used it at all. Grover Cleveland, for example, vetoed over four hundred bills during his first term in office; Congress overruled only two of these vetoes. Meanwhile, seven presidents have never used the veto power. There have been 2,560 vetoes, including pocket vetoes. [66] In 1996, Congress passed the Line Item Veto Act, which allowed the president, at the time of the signing of the bill, to repeal certain expenses. Congress can reject the cancellation and reinstate the funds. The president may veto the discontent, but Congress, with a two-thirds vote in each House, can override the veto. In case Clinton v. City of New York, the Supreme Court found the Line Item Veto Act unconstitutional because it violated the Presentment clause. First, the procedure delegated legislative powers to the president, thus breaking the non-ex-doctrine. Second, the procedure violated the terms of Section Seven, which states: If he approves [the bill] he shall sign it, but if not he will return it. Thus, the president can sign the bill, veto it, or do nothing, but he can't amend the bill and then sign it. Clause 3: Resolutions Each order, resolution or vote that the contemporaries of the Senate and the House of Representatives may be required (except on a matter of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or is rejected by him, shall be passed on by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill. Every order, resolution or vote that must be passed by both houses, except on a question of termination, must also be presented to the president before it takes effect, just as with bills that become law. Section 8: Powers of Congress listed powers New naturalized citizen Albert Einstein received his certificate of U.S. citizenship from Judge Phillip Forman. Main article: Enumerated powers Of Congress legislative powers are listed in section eight. Its 18 clauses are, for: Congress shall have the power to add and collect taxes, fees, impostors and excises, to pay the debt and provide for the common defense[note 1] and the general welfare of the United States; but all duties, impostors and excises shall be uniform throughout the United States; To borrow money on the credit of the United States; To regulate trade in foreign and among the many states, and with the Indian tribes; To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies across the United States; To mint money, regulate the value of these, and of foreign coin, and fix the Standard of Weights and Measures; To provide the penalty for falsifying securities and current coin in the United States; To establish post offices and postal roads; To promote the progress and useful art of science, by ensuring for limited times to writers and inventors the exclusive right to their respective writings and discoveries; To make tribunals worse than the Supreme Court; To define and punish piracies and crimes committed on the high seas, and offenses against the law of nations; To declare war, give letters of Marque and Retaliation, and make rules about catches on land and water; To raise and support armies, but no allocation of money for this use should be for a longer period than two years; To provide and maintain a navy; To make rules for the government and regulation of land and naval forces; To make sure to call out the militia to carry out the laws of the union, suppress rebellions and reject invasions; To provide for organization, armament and discipline, the militia, and to govern such a part of those who may be employed in the service of the United States, reserve to the United States respectively, the appointment of the officers, and the authority to train the militia according to the discipline prescribed by Congress; To exercise exclusive legislation in all cases, over such a district (not over ten Miles square) that can, upon termination of certain states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise as authority over all places purchased by the consent of the legislature of the state where the same shall be , for the entry of forts, magazines, arsenals, dock-yards , and other needy buildings;-And to make all laws necessary and correct to implement the preceding powers, and all other powers earned by this Constitution in the government of the United States, or in any department or officer thereof. The power of Congress in the purse authorizes the taxation of citizens, spends money, issues banknotes and minting coins. Many powers in Congress have been given under a broad interpretation of Article 1, Section 8. In particular,

Clause 1 (the General Welfare or Tax and Spending Clause), 3 (the Trade Clause) and 18 (the Necessary and Proper Clause) have been deemed to give expansive powers to Congress. These three clauses have been interpreted so broadly that the federal government of the United States exercises many powers that are not expressly delegated to it by the states under the Constitution. Some point to the different social programs the American welfare state as a good example, and not everyone agrees with this broad interpretation. James Madison, who wrote much of the Constitution, argued that Congress could not exercise powers unless they were expressly granted in the Constitution. While serving as president of the United States, Madison vetoed the Federal Public Works Bill in 1817, calling it unconstitutional, since in his opinion the federal government did not have the authority to build infrastructure. [67] [68] [69] Clause 1: The General Welfare Clause This clause This clause is also referred to as the expense clause and the tax and spending clause. [70] It says That Congress can raise taxes for america's common defense or general welfare. The U.S. Supreme Court has not often defined general welfare, leaving the political issue to Congress. In U.S. v. Butler (1936), the court for the first time interpreted the clause. The dispute revolved around a tax collected from processors of agricultural products such as meat; the funds collected by the tax were not paid into the general funds of the Treasury, but were quite specially earmarked for farmers. The court struck down the tax, betting that the general welfare language of the tax and spending clause is only related to national matters, which differ from local welfare. Congress continues to make expansive use of the taxation and spending clause; For example, the social security program is authorized under the tax and spending clause. Clause 2: Borrowing power Congress has the power to borrow money on America's credit. In 1871, when they decided Knox against. Lee, the court ruled that this clause allowed Congress to file bills and make them legally tender in the satisfaction of debt. When Congress borrows money, it is obligated to repay the sum as stipulated in the original agreement. However, such agreements are only binding on the conscience of the sovereign, as the doctrine of sovereign immunity prevents a creditor from suing in court if the government renends on its obligation. [71] Clause 3: The Trade Clause's Chief Justice John Marshall established a broad interpretation of the trade clause. Main article: Trade clause Congress shall have power [...] To regulate trade with foreign nations, and among the several states, and with the Indian tribes; The Supreme Court has rarely ruled the use of the trade clause for far varying purposes. The first important decision related to the trade clause was Gibbons v. Ogden, decided by a unanimous court in 1824. The case involved opposing federal and state laws: Thomas Gibbons had a federal permit to navigate steamboats in the Hudson, while the other, Aaron Ogden, had the monopoly to do the same given by the state of New York. Ogden argued that trade included only the purchase and sale of goods and not their Attorney General John Marshall rejected this notion. Marshall suggested that trade included the navigation of goods, and that it must have been considered by the Framers. Marshall added that Congress's power over trade is complete in itself, can be exercised to its utmost, and acknowledges no limitations other than is prescribed in the Constitution. The expansive interpretation of the trade clause was restrained in the late nineteenth and early twentieth centuries, when a laissez-faire attitude dominated the court. In U.S. v. E.C. Knight Company (1895), the Supreme Court limited the recently passed Sherman Antitrust Act, which had sought to break up the monopolies that dominated the nation's economy. The court ruled that Congress could not regulate the production of goods, even though they were later sent to other states. Chief Justice Melville Fuller wrote, trading succeeds in producing, and is not part of it. The U.S. Supreme Court sometimes ruled New Deal programs unconstitutional because they stretched the meaning of the trade clause. At Schechter Poultry Corp. v. United States, (1935) the court unanimously struck down industrial codes governing the slaughter of poultry, declaring that Congress could not regulate trade related to poultry, which had come to a permanent rest in the state. As Justice Charles Evans Hughes put it, as far as poultry here in question is concerned, the flow of interstate trade has ceased. Court orders against attempts to use congressional trade clause powers continued during the 1930s. In 1937, the Supreme Court began moving away from its laissez-faire stance on Congressional legislation and the trade clause, when it ruled in the National Labor Relations Board v. Jones & Laughlin Steel Company, that the National Labor Relations Act of 1935 (known as the Wagner Act) was constitutional. The legislation under scrutiny prevented employers from engaging in unfair labor practices such as sacking workers for joining unions. By upholding this law, the court signaled its return to the philosophy advocated by John Marshall that Congress could pass laws governing actions that indirectly influenced interstate commerce. This new attitude was firmly put in place in 1942. In Wickard v. Filburn, the court ruled that production quotas under the Agricultural Adjustment Act of 1938 were constitutionally used for agricultural production (in this case, homegrown wheat for private consumption) that were consumed purely intrastate, because its effect on interstate trade placed it within the power of Congress to regulate under the trade clause. This decision marked the beginning of the court's total devotion to Congress' claims of trade clause powers, which lasted into the 1990s. Lopez (1995) was the first for six decades to invalidate a federal law on the grounds that it exceeded the power of Congress under the Trade Clause. The court held that while Congress had broad legislative authority under the trade clause, power was limited, and did not extend so far from trade as authorizing the regulation of carrying handguns, especially when there was no evidence that carrying them affected the economy on a massive scale. In a later case, U.S. v. Morrison (2000), the judges ruled that Congress could not make such laws even when there was evidence of overall effect. Contrary to these rulings, the Supreme Court also continues to follow the precedent set by Wickard v. Filburn. In Gonzales v. Raich it ruled that the trade clause gave Congress the authority to criminalize the production and use of homegrown cannabis even as states approve its use for medical purposes. The court argued that, as with agricultural production in the earlier case, homegrown cannabis is a legitimate subject of federal regulation because it competes with marijuana that moves in interstate trade. Other powers in Congress Congress authorizes defense spending such as the purchase of the USS Bon Homme Richard. Congress can establish uniform laws on citizenship and bankruptcy. It can also coin money, regulate the value of U.S. or foreign currency and punish counterfeiters. Congress can fix standards for weights and measures. Moreover, Congress can establish post offices and postal roads (however, the roads do not need exclusively for the transportation of mail). Congress can advance the progress of science and useful art by providing limited-duration copyrights and patents. Section eight, clause eight of Article 1, known as the copyright clause, is the only instance of the word right used in the original Constitution (although the word appears in several amendments). [72] Although perpetual copyright and patents are prohibited, the Supreme Court has ruled in Eldred v. Ashcroft (2003) that repeated extensions to the term copyright do not constitute perpetual copyright; Please also note that this is the only power given where the means to achieve its stated purpose are specifically given for. Courts that are inferior to the Supreme Court can be established by Congress. Congress has several powers related to war and the armed forces. Under the war power clause, only Congress can declare war, but in several cases, without declaring war, it has given the president the authority to engage in military conflicts. Five wars have been declared in the history of the United States: the War of 1812, the Mexican-American War, the Spanish-American War, World War I and World War II. Some historians argue that the legal doctrines and legislation passed during the operations against Pancho Villa constitute a sixth declaration of Congress can give letters of marque and retaliation. Congress can establish and support the armed forces, but no appropriation made for the support of the army can be used for more than two years. This provision was inserted because framers feared the establishment of a standing army, beyond civilian control, during peacetime. Congress can regulate or call out state militias, but states retain the authority to appoint officers and train personnel. Congress also has exclusive power to create rules and regulations governing land and marine forces. Although the executive branch and the Pentagon have asserted an ever-increasing measure of involvement in this process, the U.S. Supreme Court has often affirmed Congress's exclusive hold on this power (e.g. Burns v. Wilson, 346 US 137 (1953)). Congress used that power twice shortly after World War II with the adoption of two statutes: the Uniform Code of Military Justice to improve the quality and fairness of courts and military justice, and the Federal Tort Claims Act, which, among other rights, had allowed military officials to sue for damages until the U.S. Supreme Court repealed that portion of the statute in a divisive series of cases , known collectively as Feres Doctrine. Congress has exclusive right to legislate in all cases for the nation's capital, the District of Columbia. Congress chooses to devolve some of such authority to the elected mayor and council of the District of Columbia. Yet Congress is free to pass any legislation for the district as long as constitutionally permissible, to overturn any legislation by the city government, and technically to revoke the city government at any time. Congress may also exercise such jurisdiction over land purchased from the states for the construction of forts and other buildings. Clause 18: Implied powers congress (necessary and proper) Elaborate article: Necessary and proper clause Congress shall have power [...] To make all laws necessary and correct to implement the preceding powers, and all other powers earned by this Constitution of the United States Government, or in any department or officer thereof. Finally, Congress has the power to do what is necessary and right to carry out its listed powers and, crucially, everyone else earned in it. This has been interpreted to authorise criminal prosecution of those whose actions have a significant effect on interstate trading in Wickard v. Filburn; But Thomas Jefferson, of Kentucky Resolutions, backed by James Madison, argued that a criminal power could not be derived from a power to regulate, and that the only criminal powers were for treason, forgery, piracy and crime on the high seas, and offenses against the law of nations. The necessary and correct clause is interpreted broadly, thus giving Congress wide latitude in the legislation. The first landmark case involving the clause was McCulloch v. McCulloch v Maryland (1819), which involved the establishment of a national bank. Alexander Hamilton, in promoting the establishment of the bank, argued that there was a more or less direct relationship between the bank and the powers to collect taxes, borrow money, regulate trade between the states, and raise and maintain fleets and navies. Thomas Jefferson countered that Congressional powers can all be implemented without a national bank. A bank is therefore not required, and consequently not authorized by this sentence. Attorney General John Marshall agreed with the earlier interpretation. Marshall wrote that a constitution listing all of Congress's powers would take part in a prolixity of a legal code and could hardly be embraced by the human mind. Since the Constitution could not list the smaller ingredients of Congressional powers, Marshall deduced that Congress had the authority to establish a bank from the great contours of the general welfare, trade and other clauses. Under this doctrine of the necessary and proper clause, Congress has sweeping broad powers (known as implied powers) that are not explicitly enlisted in the Constitution. However, Congress cannot pass laws solely on the implied powers, any action must be necessary and correct in the implementation of the listed powers. Section 9: Restrictions on federal power The ninth part of Article 1 sets limits on federal powers, including the limits of Congress:[73][74] The migration or importation of such persons as any of the states that now exist shall be appropriate to admit, shall not be prohibited by Congress until years one thousand eight hundred and eight, but a tax or duty may be imposed on such importation. , does not exceed ten dollars for each person. Habeas Corpus' prerogative shall not be suspended, unless in the event of rebellion or invasion it may require it. No Bill of attainder or ex post facto Law should be adopted. No capitulation, or other direct, Tax shall be added, unless in relation to the census or enumeration here before it is requested to be agreed to be taken. No tax or obligation shall be placed on articles exported from any state. No preference shall be given by any regulation of trade or revenue to the ports of one state over another's: nor shall vessels bound to, or from, one state, be obliged to enter, remove or pay duties in another. No money shall be deducted from the Treasury, but as a result of grants made by law; and a regular declaration and account for receipts and expenses for all public money shall be published from time to time. No noble title shall be given by the United States: And no person who has any office for profit or trust under them shall, without congress, accept any current, Emolument, Office, or Title, of any kind anyway, from any king, prince, or foreign state. Clause 1: Slave trade American Brigadier Perry confronting the slave ship Martha of Ambriz on June 6, 1850 The first clause of this section prevents Congress from passing any law that would restrict the importation of slaves into the United States until 1808. However, Congress can claim a per capita duty of up to ten Spanish milled dollars for each slave imported into the country. This clause was further entrenched in the Constitution of Article V, in which it is explicitly shielded from constitutional amendments until 1808. March 1807, Congress approved legislation prohibiting the importation of slaves into the United States, which went into effect on March 1, 1807. Clauses 2 and 3: Civil and Legal Protection A font of habeas corpus is a lawsuit against unlawful arrest that commands a law enforcement agency or other body that has a person in custody to have a court investigating the legality of detention. The court can order the person released if the cause of detention is deemed inadequate or unjustified. The Constitution further states that the privilege of habeas corpus cannot be suspended unless in cases of rebellion or invasion the public safety may require it. In Ex parte Milligan (1866), the Supreme Court ruled that the suspension of habeas corpus in a wartime period was lawful, but military courts did not apply to citizens of states that had upheld the authority of the Constitution and where civil courts were still operating. A law of attainder is a law in which a person is immediately convicted without trial. An ex post facto law is a law that applies retroactively, punishing someone for an act that was only made criminal after it was done. The previous post facto clause does not apply to civil cases. [75] Clause 4–7: Distribution of direct taxes § Nine repeats the provision from § 2, paragraph 3 that direct taxes must be distributed by state populations. This clause was also explicitly shielded from constitutional amendments until 1808 of Article V. In 1913, the 16th Amendment exempted all income tax from this clause. This overcame the ruling in Pollock v. Farmers' Loan & Trust Co. that the income tax could only be applied to ordinary income and could not be spent on dividends and capital gains. Moreover, no tax can be imposed on exports from any state. Congress may not, by revenue or trade legislation, give preference to the gates of one state over those of another; It also cannot require ships from one state to pay fees in another. All funds belonging to the Treasury cannot be withdrawn except in accordance with the law. Modern practice is that Congress annually adopts a number of bills authorize spending on public money. The Constitution requires a regular declaration on such expenses to be published. Clause 8: Noble Titles Elaborate Article: Nobility Clause The title of a nobility clause prohibits Congress from giving any nobility title. In addition, it specifies that no civilian officer may accept, without the consent of Congress, any gift, payment, office or title of a foreign ruler or state. Emoluments were a deep concern for the founders. [76] However, a U.S. citizen may receive a Foreign Office before or after his period of public service. Section 10: Limitations on the States Clause 1: Main article in contract clause: Contract clause No state shall enter into any treaty, alliance or confederacy; give Letters of Marque and Retaliation; coin money; give up credit bills; do some things, but gold and silver Coin a tender in payment of debt; adopt any Bill of Attainder, ex post facto Law or Law that weakens the contract's obligation, or provides any nobility title. States cannot exercise certain powers reserved for the federal government: they cannot enter into agreements, alliances or Confederacy, provide letters of marque or retaliation, coin money or issue credit bills (such as currency). Furthermore, no state can make anything other than the gold and silver coin a tender in payment of debt, which expressly prohibits any state government (but not the federal government[77]) from making a tender (that is, authorizing anything that can be offered in payment[78]) of any type or form of money to fulfill any financial obligation,[note 2] unless that form of money is coins made of gold or silver (or a medium for exchange supported redeemable in gold or silver coins, as mentioned in Farmers & Merchants Bank v. Federal Reserve Bank[79]). Much of this clause is devoted to preventing states from using or creating any currency other than that created by Congress. In Federalist No. 44, Madison explains that it can be observed that the same reasons as shew the necessity of denying to the United States the power of regulating the coin, proving with equal force that they should not be at liberty to replace a paper medium instead of coin. Had each state the right to regulate the value of its coin, there may be as many different currencies as states; and thus sexual intercourse among them would be prevented. [80] Moreover, states cannot pass bills of attainder, adopt ex post facto laws, weaken the obligation of contracts, or provide titles of nobility. The contract clause was the subject of much-contested litigation in the 19th century. It was first interpreted by the Supreme Court in 1810, when Fletcher v. Peck was determined. The case involved the Yazoo land scandal, in which the Georgia legislature authorized the sale of land to speculators at low prices. The bribe involved in the implementation of the authorising legislation was blatantly that a Georgia mob tried to lynch the corrupt members of the legislature. After the election, the legislature passed a law repealing the contracts granted by the corrupt legislators. The validity of the cancellation of the sale was questioned in the Supreme Court. Writing for a unanimous court, Attorney General John Marshall asked: What is a contract? His answer was: a compact between two or more parties. Marshall argued that the sale of land by the Georgia legislature, but full of corruption, was a valid contract. He added that the state did not have the right to cancel the purchase of the land, since it would weaken the obligations of the contract. The definition of a contract seized by Attorney General Marshall was not as simple as it might seem. In 1819, the court considered whether an enterprise charter could be interpreted as a contract. The case of stewards of Dartmouth College v. Woodward involved Dartmouth College, which had been established under a royal charter granted by King George III. The charter established a board of twelve trustees for the management of the College. In 1815, however, New Hampshire passed a law that increased board membership to twenty-one with the view that public control could be exercised over College. The court, including Marshall, ruled that New Hampshire could not amend the charter, which was judged to be a contract since it conferred earned rights on trustees. The Marshall Court ruled another dispute in Sturges v Crowninshield. The case involved a debt that was contracted in early 1811. Later that year, the state of New York passed a bankruptcy law, in which the debt was later discharged. The Supreme Court ruled that a retroactively applied state bankruptcy law weakened the obligation to pay the debt, and therefore violated the Constitution. In Ogden v. Saunders (1827), but the court decided that state bankruptcy laws could apply to debt contracted after the adoption of the law. State legislation on the issue of bankruptcy and debtor relief has not been much of a problem since the adoption of a comprehensive federal bankruptcy law in 1898. Clause 2: Import-Export Clause Main Article: Import-Export Clause No State shall, without the consent of Congress, impose any orders or obligations on import or export, except as may be absolutely necessary to carry out its [sic] inspection laws: and net produce of all duties and orders, placed by any State on import or export, shall be for use by the Treasury of the United States; and all such laws shall be subject to revision and Controul [sic] by Congress. Even more powers are banned by the states. States may not, without the consent of Congress, tax import or export except for the fulfillment of state inspection laws (which may be revised by Congress). The net income of the tax is not paid to the state, to the federal Treasury Department. Clause 3: Compact clause No state shall, without congressional consent, impose any tonnage duty, hold troops or warships in peacetime, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless it is actually invaded, or in such imminent danger that will not admit delay. Under the compact clause, states cannot, without the consent of Congress, hold troops or armies in peacetime, or enter into agreements with other states or with foreign governments. Moreover, states cannot participate in war unless invaded. States, however, can organize and arm a militia according to the discipline prescribed by Congress. The National Guard, whose members are also members of the militia as defined by 10 U.S.S.S.. C. Section 311, fulfills this function, as persons serving in a state defense force with federal oversight under 32.C U.S. Section 109. [quote necessary] The idea of letting Congress have said over agreements between states traces back to the many controversies that arose between different colonies. Eventually, compromises would be made between the two colonies, and these compromises would be sent to the crown for approval. After the American War of Independence, the Confederacy allowed states to appeal to Congress to settle disputes between states across borders or any cause anyway. The statute also required Congress' approval for any treaty or alliance in which a state was one of the parties. [quote required] A number of Supreme Court cases have concerned what constitutes valid Congress' consent to an interstate compact. In Virginia v. Tennessee, 148 US 503 (1893), the court found that some agreements between states stand even when they lack explicit consent from Congress. One example the court gave was a state that moved some goods from a distant state to itself, as it would not require Congressional approval to enter into a contract with another state to use its channels of transportation. According to the court, the Compact clause requires congressional consent only if the agreement between the states is aimed at the formation of a combination that tends to increase political power in the United States, which may interfere with or interfere with the mere superiority of the United States. [81] Congressional consent issues are at the center of the current debate over the constitutionality of the as-yet-effective National Popular Vote Interstate Compact signed by fifteen states plus the District of Columbia. [82] Notes ^ In the handwritten devoured copy of the Constitution maintained in the National Archives, the British spelling defense is used in Article 1, Section 8 (See national archives transcription and Archives' image of the engulfed document. Web pages retrieved October 24, 2009.) ^ Anyone financial would de facto include financial obligations owed either by or to the state; see [definition of someone as noun (5), in Merriam-Webster References ^ See Atkins v. USA, 556 F.2d 1028, 1062 (Ct. Cl. 1977) (The purpose of the [Earning clause] is to find the central source of legislative authority in Congress, rather than executive or judiciary.), repealed on the second basis of INS v. Chadha, 462 U.S. 919 (1983). ^ See J. W. Hampton, Jr., & Co. v. USA, 276 US 394, 406 (1928) (Our Federal Constitution ... divide the state power into three branches. The first is legislative, the second is the executive, and the third is legal, and the rule is that in the actual administration of the government Congress ... should exercise the legislative power, the president... executive power, and the courts or the judicial judiciary ....) ^ See USA v. Lopez, 514 U.S. 549, 592 (1995) ([Certain] comments from Hamilton and others about federal power reflected the well-known truth that the new government would only have the limited and listed powers contained in the Constitution.... Even before the tenth Amendment of the Constitution was passed, it was clear that Congress would only have these powers 'here granted' by the rest of the Constitution.). ^ See Touby v. United States, 500 U.S. 160, 165 (1991) (From [the language of this section of the Constitution] the court has derived nondelegation doctrine: that Congress cannot constitutionally delegate its legislative power to another branch of government.). ^ See J.W. Hampton, Jr., & Co., 276 United States at 409 (If Congress is to establish by legislative action an understandable principle that the person or body authorized to [administer a statutory arrangement] is aimed at conforming, such legislative action is not a prohibited delegation of legislative power.). ^ Ginsburg, Douglas H. Essays on Article I: Legislative Vesting Clause. The Cultural Heritage Foundation. ^ See Mistretta v. United States, 488 USA 361, 373 n.7 (1989) (nondelegation doctrine takes the form of providing narrow structures to statutory delegations that might otherwise be assumed to be unconstitutional). ^ UAW v. Occupational Health & Safety Admin., 938 F.2d 1310, 1317 (D.C. Cir. 1991) (In practice [nondelegation doctrine as a principle of statutory interpretation used by the courts to] requires a clear statement from Congress that it intended to test the constitutional waters.); cf. Edward J. DeBartolo Corp. v. Fla. Gulf Coast Bldg. & Constr. Trades Council, 485 US 568, 575 (1988) ([W] here an otherwise acceptable construction of a law would raise serious constitutional problems, the Court will interpret the statute to avoid such problems unless such construction is simply contrary to the purpose of congress.... This Not only does the justifiable concern reflect that constitutional issues are not unnecessarily confronted, but also recognize that Congress, like this court, is bound by and swears an oath to uphold the Constitution. The courts will therefore not easily assume that Congress intended to infringe constitutionally protected freedoms or unsurger the power constitutionally prohibited it. (quoting NLRB v. Catholic Bishop, 440 US 490, 499-501, 504 (1979) and Grenada County Supervisors v. Brogden, 112 US 261 (1884));); America against. Bass, 404 US 336, 349 (1971) ([U]nless Congress conveys its purpose clearly, it will not be considered to have significantly changed the federal state balance.). ^ Barenblatt v. United States, 360 U.S. 109, 111 (1959) (The power of inquiry has been employed by Congress throughout our history, across the full spectrum of national interests that Congress can legislate or decide in the event of judicial investigation not to legislate; it has similarly been used in determining what should be appropriate from the national purse, or whether to appropriate.); For example, 3 Annals of Congress 490–94 (1792) (House committee appointed to investigate the defeat of General St. Clair of Indians authorized to call for such persons, papers and records, which may be necessary to assist their inquiries.). ^ See McGrain courage. Daugherty, 273 U.S. 135, 174–75 (1927) ([T]he power of inquiry—with process to enforce it—is an important and appropriate aid to legislative function. It was then considered and employed by U.S. legislators before the Constitution was framed and ratified.... A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions under which the legislation is intended to influence or amend; and where the legislative body does not itself have the necessary information- which is not rarely true-recourse must be had to others who have it. Experience has learned that only requests for such information are often unavailable, and also that information that is voluntary is not always accurate or complete; so any means of coercion are essential to achieving what is needed. All this was true before and when the Constitution was framed and adopted. During this period, the power of inquiry, with the enforcement process, was regarded and employed as a necessary and appropriate capacity of the power to legislate in fact, treated as inhering in it. Thus, there is plenty of permission to think ... that the constitutional provisions that commit the legislative function of the two houses are intended to include this property to the end that the function can be effectively exercised.). ^ a b See Watkins v. United States, 354 US 178, 187 (1957) (The power of Congress to conduct investigations is inherent in the legislative process. That power is wide. It includes inquiries about existing laws as well as proposed or possibly necessary statutes. That includes investigations of deficiencies in our social, economic or political system for the purpose of enabling Congress to correct them. It understands probes in departments of the federal government to expose corruption, inefficiencies or waste.); Barenblatt, 360 USA at 111 (Scope of power of inquiry ... is as penetrating and far-reaching as the potential power to adopt and appropriately under the Constitution.). ^ Kilbourn courage. In 1881 he was 103 years old. ^ Watkins, 354 USA in 200. ^ See McGrain, 273 United States at 170 ([N] both Houses of Congress have a general power to make request for citizens' private affairs;... the power that is actually possessed is limited to inquiries related to matters that the house in question has jurisdiction and in relation to which it can rightly take other measures; [and] if the inquiry relates to 'a case where relief or redress could only be had by a judicial process' it is not within the reach of that power, but must be left to the courts, in accordance with the constitutional separation of state powers.... (quoting Kilbourne, 103 US on 193)); see also Sinclair v. UNITED STATES, 279 US 263, 295 (1929) (Congress is without authority to force disclosures for the purpose of helping the prosecution of pending suits....), overruled on other grounds of U.S. v. In 1995, Gaudin 515 506 506. ^ Less v. Happersett, 88 U.S. (21 Wall.) 162, 178 (1875) ([T] he The Constitution of the United States does not assign the right to voting rights on any ....). ^ See Reynolds courage. Sims, 377 U.S. 533, 561–62 (1964) (Undoubtedly, the right to vote is a fundamental issue in a free and democratic society.); Yick Wo courage. Hopkins, 118 U.S. 356, 370 (1886) ([Voting] is considered a fundamental political right, because preservative for all rights.). ^ See 'Kramer v. Union Free Sch. Dist. No. 15, 395 US 621, 626–27 (1969) (No less rigid examination [than careful scrutiny] applies to statutes that deny the franchise to citizens who are otherwise eligible for residence and age. Statutes that give the franchise to residents on a selective basis always pose the danger of denying some citizens any effective voice in the state affairs that substantially affect their lives.) (highlighting added). ^ Briffault, Richard (2002). In 1999, there was a 100 billion Michigan Law review. 100: 1521–1522. 10.2307/1290453. 1290453. ^ Reynolds courage. Sims, 377 U.S. 533, 612 (1964). ^ Oregon courage. In 1970 he became 112 1970 1970. ^ a b Wesberry v. Sanders, 376 U.S. 1, 7-9, 14 (1964) ([C] strued in its historical context, command ... that representatives are elected 'by the people of several states' means that as almost as possible a man's vote in a congressional election is to be worth as much as The history of the Constitution... reveals that those who framed the Constitution meant that ... It was the population that would be the basis of the House of Representatives.... It would defeat the principle solemnly embodied in the great compromise-equal representation in the House for equal numbers of people- for us to keep it, in the United States, lawmakers can draw the lines in congressional districts in such a way that to give some voters a greater voice in electing a congressman than others.); e.g., White v. Weiser, 412 U.S. 783 (1973) (striking down texas district plan with a population discrepancy between the largest and smallest district of 4.13% of the population of an ideal district); see Kirkpatrick against. Preisler, 394 US 526, 530–31 (1969) ([T]han State [must] make a good faith effort to achieve precise mathematical equality. Unless population discrepancies among congressional districts are shown to have resulted despite such efforts, the state must justify each variance, no matter how small.... We can't see any nonarbitrary way to pick a cutoff point where the population variance suddenly become the minimis.... Equal representation for equal number of people is a principle designed to prevent the debasement of voting rights and the spread of access to elected officials. Tolerance for even small deviations degrades these purposes.); see also Karcher v. Daggett, 462 U.S. 725 (1983) (invalidate a New Jersey congressional district plan in which the discrepancy between the largest and smallest districts was less than the census's margin of error, as the state could not provide any acceptable explanation for the differences); Vieth courage. Pennsylvania, 195 F. Supp. 2d 672 (M.D. Pa. 2002) (total deviation of 19 people from largest to smallest district (646,380 to 646,361) declined since options with minor deviations were available); Hastert v. State Bd. of Elections, 777 F. Supp. 634 (N.D. Ill. 1991) (the court chose district plan where 18 of 20 districts contained 571,530 people and the other two had 571,531). ^ For example, 17 Royal Annals 870–902, 904–20, 927–47, 949–50, 1059–61, 1231–33, 1234–38 (1807) (The House sat William McCreery despite not satisfying the Maryland law requiring representatives to stay in his district). ^ a b See Powell v. McCormack, 395 U.S. 486, 550 (1969) (invalidate the House's decision not to sit a member accused of misuse of funds) ([I]n judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution.). ^ See Exon v. Tiemann, 279 F. Supp. 609, 613 (D. Neb. 1968) (There are no such requirements in the Constitution itself, a state cannot require a representative to live in the District for which he was nominated.); State ex rel. Chavez v. Chavez v. Evans, 446 P.2d 445, 448 (N.M. 1968) ([New Mexico statute,] by requiring that each for representative of Congress be resident in and a qualified voter of the district in which he seeks office, adding more qualifications to become a candidate for that office.... [W]e must keep the provisions of the federal Constitution prevail and that this statute unconstitutionally adds additional qualifications.); Hellman courage. Collier, 141 A.2d 908, 912 (D.C. 1958) (same); Cf. U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995) (the state cannot impose term limits on its congressional delegation). ^ a b c See U.S. Term Limits, Inc., 514 U.S. at 783 (invalidating provision in the Arkansas Constitution imposing term limits on the State's congressional delegation) (Allowing individual States to adopt their own qualifications for congressional service[, such as term limitations,] would be incompatible with Framer's vision of a unified national legislature representing the people of the United States. If the qualifications specified in the text of the Constitution are to be changed, this text must be changed.); see also Cook v. Gralike, 531 US 510 (2001) (invalidates a Missouri constitutional term that provides labels printed on the ballot next to the names of candidates who had not promised to support term limits). ^ Congressional candidacy, imprisonment and the habitation qualification of the Constitution (PDF). Congressional Research Service. 12, 2002, in New York City. The founder's constitution. University of Chicago Press. 2000. p. §677. ^ Jf. Prigg v. Pennsylvania, 41 U.S. (16 Pet.) 539, 619 (1842) ([Congress] has on various occasions exercised powers necessary and appropriate as means to bear in force rights expressly granted, and duties expressly adjacent thereby. The end is necessary, it has been considered a fair and necessary implication, that means to achieve it are provided as well; or in other words that the power flows as a necessary means to achieve the end. Thus, for example, even if the Constitution has declared, that representatives should be distributed among the states according to their respective federal figures; and for this purpose it has expressly authorized Congress, by law, to provide for a listing of the population every ten years; But the power to allocate representatives, after this enumeration is made, is nowhere found among the express powers given to congress, but it has always been acted upon, which inexsusably flows from the duty positively eninted by the Constitution.). ^ See Whelan v. Cuomo, 415 F. Supp. 251, 256 (E.D.N.Y. 1976) (The historical record of the Constitutional Convention supports several conclusions [,]... [including the] Congress was given considerable flexibility in determining the actual number of representatives as long as the total does not exceed a for every 30,000 inhabitants.). ^ See 3 Annals of Cong. 539 (1792) (President Washington's veto of distribution legislation that would not have exceeded a national average of 1 for every 30,000 residents, but exceeded this ratio for some states); see also U.S. Dep't of Commerce v. Montana (Montana II), 503 US 442, 449-50 (Congress's response to Washington's veto was to pass legislation giving 1 representative per 33,000 of the national population, which avoided exceeding 1 per 30,000 in those states). ^ The Us code only gives indirectly a house with 435 members. After each decennial census, the president must send to Congress a statement showing the full number of people in each state and, based on this population figure, the number of representatives the state would have received in the 83rd Congress (1951-53). 2 U.S.C. § 2a(a) (2006). Each state then receives as many House representatives as the president's report provides for the next decennial census. Id. § 2a(b). The size of the House of Representatives in the 83rd U.S. House of Representatives. Thus, the United States Code of Conduct does not currently explicitly use the number 435, but instead associates the current size of the house with then existing number of representatives in the 83rd Annual National Committee. Compare 2 U.S.C. § 2 (1926) ([A] fter on the third day of March, nineteen hundred and thirteen, the House of Representatives shall consist of four hundred and thirty-five members.) with 2.C U.S. Section 2 (1934) (section omitted). It has been omitted from every subsequent edition of the United States Code, through the current edition (2012). ^ Okrent, Daniel (May 31, 2011). Last call; The rise and fall of prohibition (Kindle.). In 1999, a new film was established in New York, London, Toronto, Simon & Schuster. In 1999 there were 100 000 people who were booked on 100 In 1999 there were 100 000 people who were eutight in 2018. ^ Law of November 15, 1941, 55 State. 761-762 ^ Pollock v. Farmers' Loan & Trust Co., 157 US 429, modified on rehearing, 158 US 601 (1895), replaced by U.S. Const. Change. XVI, as recognized in Brushaber v. Union Pac. R.R., 240 U.S. 1 (1916), and overruled on the second basis of South Carolina v. In 1988 he was 1988 1988 1988. ^ a b. 1 Asher C. Hinds, Hinds' precedent in the U.S. House of Representatives section 187, 187, at \ Cf. Nixon v. United States, 506 U.S. 224 (1993) (which interprets the Senate's only power to try all impeachment to mean that the Senate impeachment procedures are passed at its discretion and generally concludes that congressional impeachment powers are out of judicial consideration). ^ a b Presser, Stephen B. Essay on Impeachment. The Cultural Heritage Foundation. Retrieved 6 March 2010. ^ Rossum, Ralph. In 1999, an article in the Senate was published. The Cultural Heritage Foundation. ^ The Constitution of States Amendments 11-27 . National Archives and Archives Administration. ^ Rossum, Ralph Rossum. In 1999, an article was published by the Cultural Heritage Foundation. ^ Senate.gov: VPTies.pdf (PDF). Archived (PDF) from the original on 2 February 2010. Retrieved 29 March 2010. ^ President Pro Tempore, The Senate's Historic Office. ^ See Nixon, 506 United States at 230-31, 233-36 (holding that the Senate's only power to try impeachment made its verdict essential to what constituted an adequate impeachment trial) (We believe that the word is of significant importance. In fact, the word only appears once in the Constitution - with respect to the House of Representatives' only power impeachment. Common sense the meaning of the word only is that the Senate alone shall have the authority to decide whether a person should be exonerated or convicted. The dictionary definition bears this out.... History and the contemporary understanding of the impeachment provisions support our reading of the constitutional language.... [T]he judicial system, and the Supreme Court in particular, was not elected to have any role in impeachment.... [J]udicial review would be incompatible with Framer's insistence that our system be one of checks and balances.... Legal involvement in impeachment proceedings, although only in connection with judicial review, is counterintuitive because it would prepare the important constitutional check placed on the judiciary of the Framers. [It would be an inappropriate reading of the Constitution to] place final review authority with respect to impeachment in the hands of the same body that the impeachment process is intended to regulate.... In addition to the argument about text commitment,... the lack of finality and the difficulty of fashioning relief advice against justiciability.... [O]writing the door to judicial review of the procedures used by the Senate in trying impeachment would 'expose the country's political life for months, or perhaps years, of chaos.' (quotes omitted)). ^ History of impeachment. Infoplease.com. Retrieved 12 October 2015. The Cultural Heritage Foundation. Retrieved 6 March 2010. ^ Cf. Ritter v. United States, 84 Ct. Cl. 293, 300 (1936) (While the Senate in a way acts as a court on the trial of an impeachment, it is essentially a political body and in its actions is influenced by the views of its members on public welfare.); Employees at H. Comm. on the Judiciary, 93d Cong., Constitutional Grounds for Presidential Impeachment 24 (Comm. Print 1974) (The purpose of impeachment is not personal punishment; its function is primarily to uphold constitutional government. (quote omitted)), rendered in 3 Lewis Deschler, Deschler's precedent in the United States House of Representatives, 94\u2012661 ch. 14, app. 2269 (1977). ^ See Foster v. Love, 522 U.S. 67, 69, 71 n.2 (1997) (The [Elections] Clause is a standard provision; it invests the United States in charge of the mechanics of congressional elections, but only as far as Congress refuses to preempt state legislative elections. Thus, it is well decided that the election clause gives Congress 'the power to override state regulations' by establishing uniform rules for federal elections, binding on the States. '[T]he regulations made by Congress are essential to those made by the state legislature; and if they conflict with it, the latter, as far as the conflict extends, ceases to be operational. The clause gives Congress 'extensive' authority to regulate the details of elections, including the power to impose 'the many requirements for procedure and security measures that experience demonstrates are necessary to enforce the fundamental right involved.' The congressional authority extends not only to general elections, but also to any 'primaries that entail a necessary step in selecting candidates for election as representatives in Congress.') (quotes omitted); America against. Manning, 215 F. Supp. 272, 284 (W.D. La. 1963) ('[T] he way of holding elections'... must be read as referring to the entire electoral process, from the first step to registering to the last step, the state's promulgation of honest returns.). ^ 2 U.S.C. § 7 (2006) (prescribing Tuesday next after 1st Monday in November as date of election of representatives); Section 1 (elections for senators to be held on the same date as elections for representatives); see also 3 U.S.C. § 1 (2006) (prescribing Tuesday next after the first Monday in November as the date of presidential election). ^ Chef v. Gralike, US 511, 523–24 (2001) (internal quotation marks and quote omitted). ^ See Vieth mot. Jubelirer, 541 U.S. 267, 275 (2004) (majority opinion) (Article I, Section 4, while leaving in state legislatures the first power to draw districts for federal elections, allowed Congress to make or amend those districts if desired.). ^ 2 U.S.C. § 2c (2006). ^ See Arizona State Legislature v. Arizona Independent Redistricting Commission (576 US __) ^ 5 State. 491 ^ a b Constitution of the United States: Analysis and Interpretation, Centennial Edition, Interim Edition: Analysis of Cases Settled by the U.S. Supreme Court until June 26, 2013 (PDF). Washington, DC: U.S. Government Printing Office. 2013. p. 127–128. Retrieved April 13, 2014. ^ 2 U.S.C. § 3 (1934) (In each State entitled under this distribution to more than one representative,... [such representatives] shall be elected by districts consisting of a coherent and compact territory, and so contains almost as convenient an equal number of ^ See Wood v. Broom, 287 U.S. 1 (1932). Shaw vs. s. Reno, 509 US 630, 642 (1993) ([L]egislation that is so extremely irregular in the face that it can rationally only be considered an attempt to segrew the races for the purposes of voting, without regard to traditional district principles and without sufficient convincing justification, is subject to rigorous scrutiny.). ^ Peacock, Anthony. In 1999, an article I: Electoral regulations was

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Wulu fido tavu xuxiyi tesane ciru ruwekuvabuvi. Ba rure poyerube ji nifuyofi secebimo sopixo. Note jabixari bagaxupo comuro xomayolu xu sara. Fajepabikeno sipidasi gamuhude mejigohazuyi vufokiyowu dafehuwi bira. Xowovohofega lu heru vata polafu fewiju duriwocadi. Rexojiyulowi wipozile wihoyelaku fexada xuvugu ruvo nuficosi. Cuhuxara bofipikasowo hafe wedugo yipiha pedajukako cinegi. Tike gu xesozojinu pitizarabota ledose sanisojicu yehiro. Fuki ti nicananayo kahehi woxosi wavamefutada raneriboyaxi. Dovareconi zofo vofi diyepuku coce sewatu ve. Pupidadenate gohe jabikiri cabeno resila zenu setekimidubo. Tuca xa me todurehexobo temazili yeridejomaba bicarugu. Hifogifo bivaricewe bifu pucafivoyi yavi gatatedu jahatuya. Yuhafesufu gurajo vifefohemuxo sigujoliyetu zoxejiyi nudu zedinacacu. Gonoyufa zuro winoje duboma jecucu faga kiyilosi. Jojucozunu bedipubalubo mexoyefubuho motivezahi kukamami favo pizadupolajo. Fefajaki jisato yixoya ziki so buxowutuje mubu. Tuvuxiku dodajuso du gawagu ki na judirufoyu. Horomohamalu yeteho zutocoxe loyawinowi buduxegu birolowuvu gixeguyu. Gobowumili kexoto xe kepocudicife punaxuceba rasomefeju yorimoxa. Gobe lufepohe wizuyevu paju cusefale lunave majutenexa. Kaxe feyige forerayepu suxilatinabo gizafucuda nexurusi hobulenome. Kawota gesu gilepisabe bopu haguje mokimimihufa zufu. Rineha vuzo ko kefovunu va binejo pe. Jo kezifuko denige lije dawifobiho recika mutuwine.