Chapter 2 **The Legislative Branch—Component I of Madisonian Democracy**

Chapter Objectives

While studying this chapter, the student will learn to:

1. Identify the powers granted to Congress by Article I of the Constitution.

2. Identify the methods by which the powers of Congress are checked.

3. State ways in which the federal government is a limited government of enumerated powers.

4. Describe how Congress enlarges its scope of authority by use of its enumerated powers in conjunction with the Necessary and Proper Clause.

Constitutional Connector

Chapter 1 gave an overview of the structure of the Constitution under Madisonian democracy. This chapter covers the powers of the Congress and gives an introduction of how the powers of Con-gress interact with the powers of the president. Chapter 3 will cover the powers of the president and explore in depth the separation of powers that is part of component I of Madisonian democracy.

CHAPTER OUTLINE

Powers of the Congress

Taxing and Spending Power

War Power and Treaty Power

Supreme Court Opinions

Clinton v. City of New York

STUDY TIPS

1. Keep in mind that Article I of the Constitution created the Congress, which consists of the House and the Senate. Article I gave Congress the power to make laws, not the president. Always bear in mind that Congress can only act if a power has been given to Congress by the Constitution.

2. Study Exhibit 2-1, which lists the major powers of Congress, and realize that for Congress to act it must base its laws on these powers.

3. Note that the Necessary and Proper Clause, when coupled with the enumerated powers, stretches the enumerated powers and produces implied powers. That is why the Necessary and Proper Clause is often called the elastic clause.

4. Note how the Congress and president check each other’s power. Only the Congress can create laws but the president can stop a bill from becoming law by using the veto. The Congress can then check the president by overriding the veto, but it will take a two-thirds vote of both houses. If a veto is overridden the bill becomes law. See Exhibit 2-2 on how a bill becomes a law.

5. The next chapter will explore further the checking of power between the Congress and the president.

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**EXERCISES**

1. Go through the Constitution and state the constitutional requirements for a person to be:

a. a member of the House of Representatives

b. a member of the Senate

c. the President

2. State the term of office for:

a. a member of the House of Representatives

b. a member of the Senate

c. the President

3. State the total number of terms allowable for:

a. a member of the House of Representatives

b. a member of the Senate

c. the President

**INTERNET EXERCISES**

1. Today the House of Representatives consists of 435 members and reflects about one representative for every 600,000 citizens. Go to http://www.archives.gov/national\_archives\_ experience/constitution\_transcript.html and determine how many representatives each state got in the first Congress.

2. The Senate must ratify treaties by a two-thirds vote. Go to http://thomas.loc.gov/home/ thomas2.html. Click on “Treaties.” Input Treaty number 102-20.

a. What is the popular name of the treaty?

b. What was the vote for passage in the Senate?

3. To obtain a detailed review on how a bill becomes law, go to http://thomas.loc.gov/ and click on “How Congress Makes Laws.”

**QUIZ**

**TRUE OR FALSE**

1. Article II of the Constitution created the Congress.

2. The president makes the laws.

3. Only the Congress can tax and spend.

4. Congress consists of a House and Senate, and a bill must pass both houses before it can be presented to the president for his signature.

5. A bill must pass both houses of Congress by a two-thirds vote.

6. A two-thirds vote of both houses is required to override a presidential veto.

7. The line-item veto was declared unconstitutional.

8. The president can negotiate a treaty but the House must then approve the treaty by a two-thirds vote.

9. If a power is not delegated to the federal government that power is reserved to the states or to the people.

10. The Congress has implied power in addition to the enumerated powers.

**ANSWER KEY**

1. False

2. False

3. True

4. True

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5. False

6. True

7. True

8. False

9. True

10. True