



NATIONAL CONSTITUTION CENTER

THE MUSEUM OF *We the People*

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Constitution Hall Pass: “The Legislative Branch”

Welcome to Constitution Hall Pass, the National Constitution Center’s online video series all about our history, our future, and the rights of “We the People!” I’m Danielle Lenee, here at the National Constitution Center in Philadelphia. We’re celebrating a very special holiday—Constitution Day! Here in Philadelphia on September 17, 1787, the United States Constitution was signed-and we’re going to celebrate the signing in style! Today, we’re going to explore one of the three branches of government. I’ll give you a few clues and let’s see if you can guess which branch will be today’s topic...

- a. It’s the first branch to be described in the Constitution.
- b. The Founding Fathers wrote more about it in the Constitution than any other part of the government.
- c. Its primary job is to make laws.

So is it the executive branch, the legislative branch, or the judicial branch?

If you answered legislative, you are right! The legislative branch, also known as Congress, is outlined in the first article to be written after those famous opening words of the Constitution: We, the People!

Let’s start with some basic facts on Congress. It’s made up of two houses, the House of Representatives and the Senate. The primary function of these two houses, working together, is to make laws. That job is spelled out by the Founding Fathers in Article I of the Constitution.

It sounds like a simple job, but it’s not really that straightforward. It’s not so easy to make laws. A new law might make one group of people happy while making another group pretty upset. Today, we’re going to explore the role of the legislative branch. We’ll see what the Constitution says, and look at how Congress’ role has played out since the Constitution was written. We’re also going to explore how “We the People” play a role in lawmaking, and how you can make sure that your voice is heard. So let’s jump in by visiting the site where it all happens today—the United States Capitol. Here in this building we can get a direct look at Article I and how a law is made.

I'm here at the United States Capitol in Washington, D.C.! From the laying of its cornerstone by George Washington on September 18, 1793, through remodeling, renovation, and even reconstruction after its burning in the War of 1812, the Capitol is a symbol of the power of We the People. It holds the members of Congress that we elect to represent us in government.

Congress has a lot to do. Here's a list of jobs—which ones are Congress responsible for doing?

- Lay and collect taxes
- Regulate foreign commerce
- Coin money
- Post offices and roads
- Declare war
- Raise and support armies
- Maintain the navy
- To Make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this constitution in the Government of the United States, or in any department or officer thereof.
- All of the above
- All of the above and more...

By now you probably figured it out—it's all of the above and more! It's a big job that Congress has and the biggest out of all of them is the final one: "To Make All Laws." So how is a law made? What's the process spelled out in Article One?

In Article One, it's explained that laws are made when a member of one of the two houses of Congress introduces a bill for consideration. The bill is discussed in a subcommittee, then a regular committee, then by the entire house. When that house approves it, the other house takes it under consideration. When both houses come to a majority agreement on what the bill should look like after debate and compromise, that bill is then presented to the President. As long as the President approves what they've given him, the bill then becomes a law. Seems like a straightforward enough process. But as we'll see, there's a lot more to it than just that.

Congress is responsible for making laws for the entire country. That's a big job—and a tough one, too. People within in the same state don't always agree on things, so why would people from different states? Each member of Congress is responsible for representing the needs and wants of their constituents so in a country with fifty states and almost 314 million people, how does Congress ever agree on anything? Say you're a member of Congress—if some of your constituents support one law, while others support a different one, how can you find a way to represent everyone fairly? What happens when it is not just a battle within one state, but between two or a few states? The Founders set up a structure to give direct representation to We

the People and to ensure that our voices would be heard. Now's a good time to take a step back and look at the framework of the Constitution and how its writers ensured that the system would be fair and equal between states—and how two different ideas of freedom needed two different houses of Congress to be realized.

To begin, we've come here, to where it all started. This might be the most important room in our country's history. Right here, in the Assembly Room at Independence Hall, the Continental Congress signed the Declaration of Independence. And eleven years later, here in the exact same room, the Constitutional Convention created the supreme law of the land--the Constitution. When it comes to our independence and our system of government, this room is literally the birthplace of the United States! Just imagine what it would have been like to be sitting here listening to the debates over the future of our nation.

We can't go back to 1787 and listen in on the debates. But we can get pretty close when we come here, to Signers' Hall, where we have 42 life-size statues showing you the moment of the signing of the Constitution. As you stand in Signers' Hall, you can imagine yourself being right there with the delegates as they hammered out the compromises that would go into the supreme law of the land!

Article One comes from the fact that we, the people, get to have a say in who creates our laws. By choosing our lawmakers, we're exercising control over what we think "order" means in our society, and coming up with our own definitions of justice and fairness. But there's more to it than that. We have to play a role of our own in making our voices heard and in participating in decision-making that affects our lives.

We're going to look at the struggles faced by the Founding Fathers as they sought to build a nation after the Revolutionary War. By checking out the debates at the Constitutional Convention, we'll gain a better understanding of the powers of Congress and how the legislative process is set up to work.

But making laws isn't as easy as the Constitution makes it sound. We'll also explore how Congress works in practice, as factors like re-elections and outside interests influence the legislative process. And when we're done, you'll be better equipped to play the role of citizen in making our society work.

The Articles of Confederation, our governing document before the Constitution, created a weak central government that couldn't do things like raise an army, levy taxes, or mint coins. But before we won our independence in the Revolutionary War, the British had insisted on controlling practically every little thing that we did in the colonies. And we didn't think that was fair, because we weren't allowed to elect members of Parliament to make laws for the British Empire.

The delegates to the Constitutional Convention would have to find a compromise between the two extremes and create a system that would give the young nation the

lawmaking apparatus it needed to survive. And James Madison knew that--and he came prepared with a plan to find that compromise.

James Madison came from the upper class of Virginia society. He was a really smart guy, a guy who had served in government at a few different levels and who had read about systems of government from all around the world. He was committed to finding a way to balance the needs of the government with the rights of the people--just listen to how he described finding the compromise:

JAMES MADISON:

If men were angels, no government would be necessary. If angels were to govern men, no controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed, and in the next place, oblige it to control itself.

Madison thought that he had worked out a way to make sure that the government could effectively run the country while still not growing so big that it would oppress the citizens. After spending a ton of time working on ideas at Montpelier, his home in Virginia, he was ready to bring his vision to the Convention. But he didn't really like speaking in front of big audiences, and he thought that his proposal for a new government should come from someone with a little more political clout.

Edmund Randolph was the governor of Virginia, and he seemed like a perfect candidate to introduce the new plan. He worked with Madison and his other fellow Virginians to fine-tune the wording and then made his case.

The Virginia Plan was based on the constitution of Virginia itself. It called for a legislature with two houses, both of which would be based on population--the more people lived in a state, the more people they'd have in the legislature. The people of each state would elect the members of the lower house; those members would then elect the members of the upper house. This legislature would be responsible for choosing the national executive and judiciary. Any laws established by the national legislature would be superior to those passed by individual states, and all office-holders would have to swear an oath of allegiance to the national government.

In this plan, bigger states like Pennsylvania, New York and, you guessed it, Virginia, would always be able to outvote the smaller states like Delaware and Connecticut. The larger states would be the ones holding all the cards--and the small states were worried that their voices wouldn't be heard. Worried that the Virginia Plan was the beginning of the end of their states' individuality, the delegates of the smaller states rallied behind a plan proposed by an Irishman representing New Jersey.

William Paterson's proposal, like Madison's, was named after his home state. And the New Jersey Plan shows a very different idea of what our government could have looked like.

The New Jersey Plan looked pretty different from the Virginia Plan. It called for a legislature with just one house--in which each state would get just one vote. The only things that the new national government would be allowed to do would be regulating trade, taxing foreign goods, and raising a military from the states. The plan included a national executive to be elected by the people, but they'd only get one three-year term in office, and could be recalled by a vote of the state governors. The legislature would appoint a national judiciary that would serve for life, and national laws would again take precedence over state laws.

Two plans, two different visions for the country's future. But neither side was winning over enough of the delegates to move forward. The debates grew hotter--at one point, Gunning Bedford, Jr., of Delaware, even threatened to pull his state out of the union if the small states didn't get enough respect. Seeing the need for compromise, a few delegates got together to find a way to make it work--and, led by a Connecticut delegate named Roger Sherman, they found a way forward.

The Connecticut Compromise tried to find a middle ground between the Virginia Plan and the New Jersey Plan. Rather than have representation based either on population alone or states alone, it called for a legislature with two houses--one with equal representation for all the states, and one where the bigger states got more representatives. It wasn't accepted right away, but once the delegates had settled on the Connecticut Compromise, the path to our new national government became clear. This new plan would be both fair to the people and equal among the states. Two very different ideas would be unified in one Congress, built out of two different houses.

All this work was done to set up a plan that was responsive to the people; fair to the citizens; and equal among the states. After the ratification of the Constitution, We the People went to work and began testing these plans. We all know what happens to the best laid plans...they need to change and grow just like our country was doing and in the 200-plus years since we have twisted, reshaped, and stretched these original plans to test the strengths and weaknesses of Article One. Benjamin Franklin was asked when he left the Convention what he and his fellow delegates had just made. His well-known response—"A Republic—if you can keep it!"—shows that it's up to the everyday citizens to put the plans of the Constitution into action. So how does the law making process work today? Let's hit the road to look at a new type of law that may very soon be fought about not only in the states, but in the federal system.

There's nothing like an ice-cold soft drink to refresh you on a hot summer day. But we know that those beverages can have very high sugar contents, which can lead to obesity, diabetes, heart disease, and some kinds of cancer. To address the health

risks that come from sodas and other sweet drinks, laws have been proposed in various cities and states across the country to limit people's access to soft drinks. In some places, like Vermont and California, taxes have been proposed. Here, in New York City, the mayor proposed banning restaurants, movie theatres, sports stadiums, and food carts from selling any sugary drink above 16 fluid ounces in size.

Let's start by looking at the two sides of the issue: preserving people's health is a noble goal, and not just for keeping individuals healthy. Higher rates of disease caused by poor diets mean that everyone—not just those who get sick—have to pay more money for health insurance premiums. They also mean that the government has to spend more of its money on programs like Medicare and Medicaid. On the other hand, drinking soda is a personal choice, and it can be a very slippery slope when the government gets involved in regulating those kinds of choices. Laws restricting soda sales can also have a damaging effect on businesses that serve the drinks, as they might have to spend a lot of money conforming to new standards, or else lose customers as people stop buying their products. So how's it all going to work out?

On one side, you'll have public health experts, who will support a law on sugary drinks to keep people healthy. They'll be allied with the companies that provide health care and medical insurance, who are trying to keep costs down to keep their customers happy—exercising their economic freedom in the process. And joining them will be parents and other citizens who are worried about the health impact of soda.

On the other side, the companies that make sugary drinks will be strongly opposed to the law—it limits their economic freedom by hampering their ability to sell their products. Restaurant owners and beverage suppliers will also fight the law, since their industries will be affected. And private citizens who feel like the bill limits their individual right to make their own choices will also resist the law's passing.

And in the middle will be the media—TV, newspapers, the Internet, and all those other sources of information. They'll be shaping the way that We the People see the issue, and they can have a lot of influence on how the debate plays out. People on both sides of the issue can also use the media to get their viewpoint across, adding to the voices being heard in the debate.

So you can see where that process that we explored earlier—introduction, subcommittee, committee, whole house, President, law—is actually really complicated, because of the number of voices being heard. Each representative and senator will have to listen to their constituents, many of whom will disagree on the right approach to take.

Individual citizens will try to influence their lawmakers' decisions by contacting them directly. Representatives and Senators use email, or you can write letters to their offices. Citizens can also take out advertisements to influence the voters

around them in an effort to win support for their side. Candidates have offices in their home districts and hold open forums with their constituents—so you might even get the chance to speak firsthand with your elected officials and have them hear your say!

The big businesses on both sides—the insurance companies, the beverage makers, and everyone else—will also try to influence the discussion. They can spend their own money on their own advertisements, presenting their case in a way that sways voters. They can also influence Congress by donating to the campaign funds of people running for re-election—giving those lawmakers an incentive to support their side. So the representatives and senators aren't just making decisions on their own—there's a lot of other voices being contributed to the discussion and shaping the way that laws are made. And the debate goes on. . .and on. . .and on, while all the interested parties continue to use their rights to influence the work that Congress does.

So remember, you have a role to play in the way our government works! What's YOUR take on soda laws? What other kinds of issues affect you, your family, and your classmates in your community? And how can you make sure that your voice is heard in the halls of power? It's up to you to stay informed and think about the things that affect you. And when an issue comes up that moves you to action, don't just sit there—do something about it. Contact your elected officials, start discussions at home and in the classroom, or post your thoughts on Facebook or Twitter. When you use your rights as a citizen, you're helping to shape the country you live in—and helping us all live up to the ideal of a More Perfect Union.

I hope you enjoyed learning about the legislative branch on this episode of *Constitution Hall Pass*! From the National Constitution Center in Philadelphia, I'm Danielle Lenée. See you next time on *Constitution Hall Pass*!