
CONSTITUTION

WE THE PEOPLE of the United States, in Order
§1. The preamble. to form a more perfect Union, es-
tablish Justice, insure domestic
Tranquility, provide for the common defence,
promote the general Welfare, and secure the
Blessings of Liberty to ourselves and our Pos-
terity, do ordain and establish this Constitution
for the United States of America.

§2. Formation of the Constitution. The First Continental Congress met in Philadelphia in September of 1774 and adopted the Declaration and Resolves of the First Continental Congress, embodying rights and principles later to be incorporated into the Constitution of the United States. The Second Continental Congress adopted in November of 1777 the Articles of Confederation, which the States approved in July, 1778. Upon recommendation of the Continental Congress, a convention of State representatives met in May, 1787 to revise the Articles of Confederation and reported to the Continental Congress in September a new Constitution, which the Congress submitted to the States for ratification. Nine States, as required by the Constitution for its establishment, had ratified by June 21, 1788, and eleven States had ratified by July 26, 1788. The Continental Congress adopted a resolution on September 13, 1788, putting the new Constitution into effect; the First Congress of the United States convened on March 4, 1789, and George Washington was inaugurated as the first President on April 30, 1789.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

§ 3. Legislative powers vested in Congress.

The power to legislate includes the power to conduct inquiries and investigations. See *Kilbourn v. Thompson*, 103 U.S. 168 (1881); *McGrain v. Daugherty*, 273 U.S. 135 (1927); *Watkins v. United States*, 354 U.S. 178 (1957); *Barenblatt v. United States*, 360 U.S. 109 (1959). For the power of the House to punish for contempt in the course of investigations, see § 293, *infra*.

§ 4. Power to investigate.

§ 5. Members chosen by the people of the States every second year.

SECTION 2. ¹The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, * * *.

This clause requires election by the people and State authority may not determine a tie by lot (I, 775).

The phrase “by the people of the several States” means that as nearly as practicable one person’s vote in a congressional election is to be worth as much as another’s. *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Kirkpatrick v. Preisler*, 385 U.S. 450 (1967). 2 U.S.C. 2a mandates apportionment of Representatives based upon population, and 2 U.S.C. 2c requires the establishment by the States of single-Member congressional districts. For elections generally, see *Deschler*, ch. 8.

The term of a Congress, before the ratification of the 20th amendment to the Constitution, began on the 4th of March of the odd numbered years and extended through two years. This resulted from the action of the Continental Congress on September 13, 1788, in declaring, on authority conferred by the Federal Convention, “the first Wednesday in March next” to be “the time for commencing proceedings under the said Constitution.” This date was the 4th of March, 1789. Soon after the first Congress assembled a joint committee determined that the terms of Representatives and Senators of the first class commenced on that day, and must necessarily terminate with the 3d of March, 1791 (I, 3). Under the 20th amendment to the Constitution the terms of Representatives and Senators begin on the 3d of January of the odd-numbered years, regardless of when Congress actually convenes. By a practice having the force of common law, the House meets at noon when no other hour is fixed (I, 4, 210). In the later practice a

§ 6. Term of a Congress.