The Constitution

Constitutional Principles

The United States Constitution is a relatively brief document that established the foundation upon which the American government is built. It outlines the framework and procedures of the government and sets limits on governmental power.

The Constitution was founded on several basic principles that help to keep it relevant today. These are the principles of popular sovereignty, limited government, separation of powers, checks and balances, judicial review, and federalism.

The principle of popular sovereignty establishes that all power rests with the people, and that the people have given the government its power through the Constitution. The government can only function with the consent of the people.

The principle of limited government states that government can do only those things that the people have given it authority to do. In other words, it must obey the law.

The concept of a separation of powers was incorporated into state constitutions before the U.S. Constitution was written. The national charter is largely based on the framework established by the state charters. The Constitution divides the powers of the national government among the Congress (legislative branch), the president (executive branch), and the courts (judicial branch).

The three branches of government are connected by a system of checks and balances, which allows one branch to restrain the power of another. For example, while Congress makes the laws, the president has the power to veto them. Congress also has the ability to override a presidential veto by a two-thirds vote in each chamber. Because Congress holds the purse strings, it can derail the president's plan by refusing to provide funding.

Judicial review is one element of the system of check and balances so significant that it is considered a basic principle of the constitutional system in its own right. When a court declares an action unconstitutional, it becomes illegal the moment the ruling is issued. All federal courts and many state courts possess the power of judicial review. The Constitution does not specifically allow for judicial review. The Supreme Court under John Marshall established the power in the case of Marbury v. Madison in 1803.

Another basic principle of the Constitution is the system of federalism, a division of power between the national government and state or regional governments. Because the framers of the Constitution feared tyranny from an absolute central government but were also concerned about the ineffectiveness of a weak confederation of independent states, they settled on the compromise of federalism. Their goal was to develop a central government that was strong enough to meet the needs of the nation, while preserving the authority of the states. State local governments deal with matters of regional and local concern, while the national government deals with issues that affect the country as a whole.

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