



Six Basic Principles of the Constitution

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Introduction

- The Framers of the Constitution believed in “less is more” ...
- The Constitution is this nation’s fundamental laws...i.e – “the supreme law of the land”
- You might think it to be quite large, however, it is only about 7,000 words
- In reality, it is a remarkable document – it has guided us for over 200 years and seen tremendous change in this country
- It does not go into great detail, but is built upon six principles on which the government should be run...

Six Principles of the Constitution

- Popular Sovereignty
- Limited Government
- Separation of Powers
- Checks and Balances
- Judicial Review
- Federalism



Popular Sovereignty

Popular Sovereignty

- In the United States, all political power belongs to the people
 - The people are sovereign
 - The people are the only source of governmental power
- Government can only govern with the consent of the governed

Popular Sovereignty

- The principle of popular sovereignty is boldly stated in both the Declaration of Independence and The Constitution
 - “We the People...”
- By creating the Constitution, the sovereign people created the government and gave it certain powers
- Through the Constitution and their own laws, each state and its government received power from the people as well



Limited Government

Limited Government

- Limited Government states that government is *not* all powerful – it can only do those things that people have given it the power to do
- It is the flip side of popular sovereignty
 - Government must obey the law – this is called constitutionalism
 - Government must be conducted according to constitutional principles
 - Also called the “rule of law” – government is always subject to and never above the law



Separation of Powers

Separation of Powers

- Our Constitution distributes the powers of the national government between three branches:
 - Legislative Branch – Congress (Article I)
 - Executive Branch - President (Article II)
 - Judicial Branch – Supreme Court (Article III)
- Each branch has specific powers and responsibilities

Separation of Powers

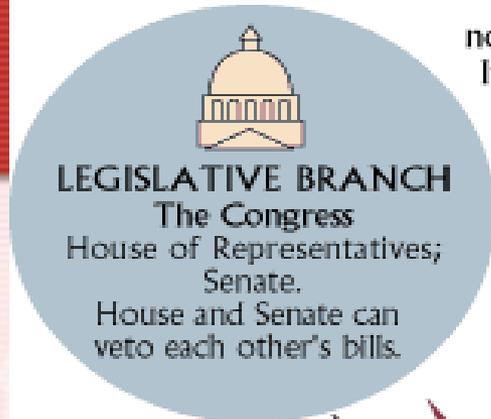
- The Framers of the Constitution intended to create a stronger government for the United States, but they also wanted to limit the powers of the government – that is the main purpose for separation of powers!



Checks and Balances

Checks and Balances

- As the Constitution gives each branch its own field of governmental authority, it is important to know that each branch is not separated, nor completely independent of each other
- Each branch is tied together by a complex system of checks and balances
- Each branch is subject to a number of constitutional checks (restraints) in which it can check the operations and balance the power of the other two branches



Congress approves presidential nominations and controls the budget. It can pass laws over the president's veto and can impeach the president and remove him or her from office.



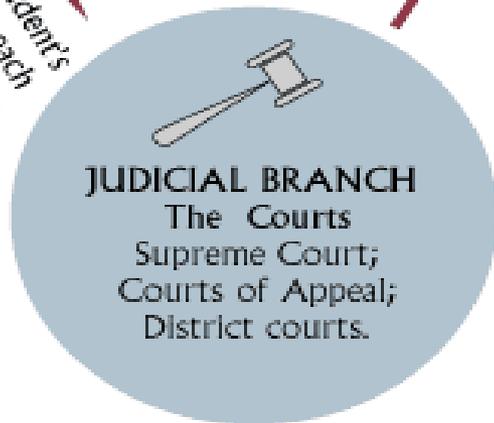
The president can veto congressional legislation.

The Court can declare laws unconstitutional.

The Senate confirms the president's nominations. Congress can impeach judges and remove them from office.

The president nominates judges.

The Court can declare presidential acts unconstitutional.





Judicial Review

Judicial Review

- Judicial Review is the power of the court to determine the constitutionality of a governmental action
- Judicial review can declare illegal, null and void, of no force and effect – a government action found to violate some provision in the Constitution
- The Supreme Court established the power of judicial review in *Marbury vs. Madison* (1803)



Federalism

Federalism

- Federalism is the division of power among a central government and several regional governments
- This came to the Framers out of necessity – how to build a new, stronger, more effective National Government, while preserving the existing states and concept of self-government
- Federalism was constructed as a compromise - it was an alternative solution!