

# 2

## Five Principles of the Constitution



### Explore These Questions

- What are the five basic principles of the Constitution?
- Why do people adopt a system of representative government?
- How did the framers of the Constitution try to strike a balance between too much and too little government?

### Define

- popular sovereignty
- representative government
- bill
- veto
- unconstitutional
- override

### SETTING the Scene

In 1787, when American leaders were struggling to create the new Constitution, every government in Europe was a monarchy. In most cases, a king or queen made, enforced, and interpreted the laws. Many European rulers would have agreed with Louis XIV, an earlier king of France. “*L'état, c'est moi,*” declared Louis. “I am the state.”

The framers of the Constitution knew they had to set up a strong government. At the same time, they sought to keep power from falling into the hands of a privileged few. To achieve this delicate balance, they rested the Constitution on five basic principles: popular sovereignty, limited government, federalism, separation of powers, and checks and balances.

### The People Rule

The first three words of the Constitution, “We the people,” express the principle of **popular sovereignty**. According to this principle, the people hold the final authority in government.

The Constitution is a contract between the American people and their government. In it, the people grant the government the powers it needs to achieve its goals. At the same time, they limit the power of government by spelling out what the government may not do.



Poster urging Americans to vote

In a large society, not all citizens can take part directly in government. Instead, they exercise their ruling power indirectly by electing public officials to make laws and other decisions for them. This system is called **representative government**.

The people elect public officials by voting in free and frequent elections. Americans today have the constitutional right to vote for members of the House of Representatives (Article 1, Section 2) and for members of the Senate (Amendment 17). The people also elect the members of the electoral college, who, in turn, choose the President (Article 2, Section 2).

The right to vote has been gradually expanded over time. When the Constitution was ratified, only white men over age 21 who owned property could vote. Over the years, other Americans have won the right to vote. Today, all citizens are eligible to vote at the age of 18.

### Limited Government

The framers of the Constitution had lived under the harsh rule of the British king. They feared tyranny, or cruel and unjust government. However, the failures of the Articles of Confederation made it clear that the national government had to be strong. How could the framers strike a balance between too much government and too little?



The answer was limited government. According to this principle, the government has only the powers that the people grant it. The Constitution clearly states the powers of the national government. It also states what powers the government does not have.

### Guarantees of liberty

The most important limits on government are set out in the Bill of Rights. It guarantees that the government may not take away the individual freedoms of the people. These liberties include freedom of speech, freedom of the press, and freedom of religion.

The Ninth Amendment goes beyond these specific guarantees. It states that the people have rights that are not listed in the Constitution. The Tenth Amendment gives the states or the people any powers not formally granted by the Constitution to the national government.

### Federalism

The framers of the Constitution created a strong central government. Yet they also wanted the states to retain much of their power. Like most Americans, they believed that state governments would best understand the special needs and concerns of their citizens. As one defender of the Constitution stated in 1788:

“The two governments act in different manners, and for different purposes—the general government

in great national concerns, in which we are interested in common with other members of the Union; the state legislature in our mere local concerns.”

The principle of federalism divides power between the federal government and state governments. The federal government has the power to deal with national issues. The states have the power to meet local needs.

The Constitution delegates, or assigns, certain powers to the national government. Other powers are reserved, or left, to the states. Still other powers, sometimes called concurrent powers, are shared by the federal and state governments. The chart on page 200 shows how government powers are divided under federalism.

### Powers of the states

The Constitution does not list the powers of the states. Instead, it says that all powers not specifically granted to the federal government are reserved to the states (Tenth Amendment). At the same time, it makes clear exactly what powers the states do not have (Article 1, Section 10).

In addition to the reserved powers, the Constitution makes several guarantees to the states. All states must be treated equally in matters of trade (Article 1, Section 9). Each state must respect the laws of other states (Article 4, Section 1). Perhaps most important, all states have representation in the national government.


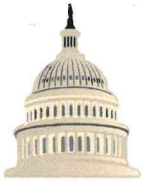

### State License Plates

*Under federalism, each state makes its own traffic laws and issues its own drivers' licenses and car registrations. At the same time, a driver's license issued by one state is valid in every other state. ★ Name two other powers reserved to the states.*





## System of Checks and Balances

<p><b>Executive Branch</b> (President carries out laws)</p> 	<p><b>Checks on the Legislative Branch</b></p> <ul style="list-style-type: none"> <li>Can propose laws</li> <li>Can veto laws</li> <li>Can call special sessions of Congress</li> <li>Makes appointments</li> <li>Negotiates foreign treaties</li> </ul>	<p><b>Checks on the Judicial Branch</b></p> <ul style="list-style-type: none"> <li>Appoints federal judges</li> <li>Can grant pardons to federal offenders</li> </ul>
<p><b>Legislative Branch</b> (Congress makes laws)</p> 	<p><b>Checks on the Executive Branch</b></p> <ul style="list-style-type: none"> <li>Can override President's veto</li> <li>Confirms executive appointments</li> <li>Ratifies treaties</li> <li>Can declare war</li> <li>Appropriates money</li> <li>Can impeach and remove President</li> </ul>	<p><b>Checks on the Judicial Branch</b></p> <ul style="list-style-type: none"> <li>Creates lower federal courts</li> <li>Can impeach and remove judges</li> <li>Can propose amendments to overrule judicial decisions</li> <li>Approves appointments of federal judges</li> </ul>
<p><b>Judicial Branch</b> (Supreme Court interprets laws)</p> 	<p><b>Check on the Executive Branch</b></p> <ul style="list-style-type: none"> <li>Can declare executive actions unconstitutional</li> </ul>	<p><b>Check on the Legislative Branch</b></p> <ul style="list-style-type: none"> <li>Can declare acts of Congress unconstitutional</li> </ul>

### Chart Skills

**Through the system of checks and balances, each branch of government controls the powers of the other two.**

- 1. Comprehension** (a) Name one check the President has on Congress.  
(b) How can the Supreme Court check Congress?
- 2. Critical Thinking** Why do you think the framers of the Constitution gave Congress so many checks on the power of the President?



### The “law of the land”

Federalism creates a working partnership between the national government and the state governments. However, when a dispute arises between them, there is no doubt where the final authority lies. The Constitution is the “supreme law of the land” (Article 6, Section 2). Only federal courts can settle the dispute.

### Separation of Powers

The framers wanted to prevent the abuse of power by one person or group. To do so, the Constitution divides the national government into three branches: the legislative, the executive,

and the judicial. Each branch has its own powers and responsibilities. This division of the national government is known as separation of powers.

Article 1 of the Constitution sets up the legislative branch. This branch, called Congress, makes the laws. Congress has two houses: the House of Representatives and the Senate. Its many powers include the power to tax, to coin money, and to declare war.

Article 2 describes the executive branch, which carries out the laws. The President heads the executive branch and appoints officials to help carry out the duties of the office.



Article 3 creates the Supreme Court to head the judicial branch. The Supreme Court interprets and explains laws. Congress may set up lower courts as needed.

## Checks and Balances

To prevent one branch of government from gaining too much power, the Constitution sets up a system of checks and balances. Each branch can check, or control, the power of the other two branches. (See the chart on page 220.)

### Checks on Congress

Congress has the power to pass **bills**, or proposed laws. However, the President can influence the lawmaking process by proposing new bills or by pushing members of Congress to vote for or against a bill. The President can also check Congress by **vetoing**, or rejecting, a bill. The vetoed bill then goes back to Congress.

The Supreme Court has the power to rule whether a law is **unconstitutional**, or not permitted by the Constitution. The power to declare laws unconstitutional is one check the Supreme Court has on Congress. Any law declared unconstitutional by the Court cannot take effect.

### Checks on the President

Congress has several checks on the powers of the President. For example, the President is commander in chief of the armed forces, but only Congress has the power to declare war. In addition, the President has the power to make treaties with foreign nations. However, the Senate must ratify all treaties.

Congress may also check the President by **overriding**, or setting aside, a presidential veto. In this way, a bill can become a law without the President's signature. Two thirds of each house must vote to override a veto. The Supreme Court can also check the President by declaring that an act of the President is unconstitutional.

### Checks on the courts

Both the President and Congress have several checks on the power of the judicial branch. The President appoints all federal judges, while the Senate must approve the President's court appointments. In addition, Congress has the power to remove federal judges from office if they are found guilty of wrongdoing. Congress may also propose a constitutional amendment to overrule a judicial decision.

## ★ Section 2 Review ★

### Recall

1. **Define** (a) popular sovereignty, (b) representative government, (c) bill, (d) veto, (e) unconstitutional, (f) override.

### Comprehension

2. (a) Identify the five basic principles of the Constitution. (b) Describe two of them.
3. (a) Explain how representative government works. (b) Why do people in a democracy adopt this system?

4. (a) Why did the framers of the Constitution set up three branches of government? (b) How does the Constitution prevent any branch from becoming too powerful?

### Critical Thinking and Writing

5. **Synthesizing Information** How are the principles of popular sovereignty and limited government related?
6. **Analyzing Ideas** Explain the following statement: The Constitution sets up a government of laws, not of people.



**Activity Making a Chart** Working with a partner or your class, create a chart that gives examples of ways in which the five basic principles of the Constitution protect you and your community.