

The Constitution is the foundation of our country's government.

Our Constitution

SS.8.C.1.6, SS.8.C.2.1, LA.8.1.6.1, LA.8.1.6.2, LA.8.1.6.3

What basic principles of government are set forth by the Constitution?

The United States Constitution presents the American solution to the challenge of government. This solution is based on seven key principles: (1) popular sovereignty, (2) a republican form of government, (3) limited government, (4) federalism, (5) separation of powers, (6) checks and balances, and (7) individual rights.

Popular Sovereignty

The Constitution begins with an introduction, or preamble. With its first words—"We the People"—the preamble lays the foundation of the American system of government: **popular sovereignty** (PAH • pyuh • luhr SAHV • rihn • tee), or the authority of the people. The preamble makes clear that it is the people of the United States who hold the power and who establish a system of government for their own well-being.

The Nation Is a Republic

How do the people rule in the United States? The Constitution establishes a republican form of government. A republic is a government in which the people rule through elected representatives. Those representatives make laws and conduct government on behalf of the people. In general, the terms *republic* and *representative government* mean the same thing.

Limited Government

The Framers were wary of a government that might take away people's rights or favor certain groups. At the same time, they realized that the nation needed a stronger government than the Articles of Confederation had provided. Their goal was to establish **limited government**, in which the powers of government are strictly defined. A limited government has only those powers that are given to it by the people.

Federalism

The original thirteen states had fought hard to win independence from Great Britain. The Articles of Confederation protected that independence, but it failed to create a national government strong enough to deal with many challenges the young nation faced. The United States has a federal government, where the many state governments and the single federal government share power. This system is known as federalism.

The Constitution creates the federal system. It explains how powers are distributed among different levels of government. The Constitution spells out the powers given to Congress and establishes the executive and judicial branches.

The Constitution lists enumerated powers, (ee • NOO • muh • ray • tuhd) or those powers that are specifically given to Congress. Enumerated powers include the power to coin money, regulate interstate and foreign trade, maintain the armed forces, and create federal courts. The states cannot exercise these powers.

Reserved powers are those powers that belong to the states. The Constitution does not specifically list the reserved powers. The Tenth Amendment declares that all powers not specifically granted to the federal government "are reserved to the States." The reserved powers include the power to establish schools, pass marriage and divorce laws, and regulate trade within a state.

Under the Constitution, the federal government and the state governments share certain powers. These are the concurrent powers (kuhn • KUHR • hnt) Examples of concurrent powers are the right to raise taxes, borrow money, provide for public welfare, and carry out criminal justice. Each state and the federal government can exercise these powers at the same time.

While states have their own laws and powers, the Constitution is "the supreme Law of the Land." If a state law contradicts the Constitution or federal law, the Constitution or federal law prevails. This is stated in Article VI, Clause 2, of the Constitution—the "Supremacy Clause."

Separation of Powers

To make sure no person or group in government has too much power, the Constitution provides for a separation of powers. This means the Constitution separates the legislative, executive, and judicial powers of government. It then places these powers in three different branches of government. Each branch has different—and limited—powers, duties, and responsibilities.

Checks and Balances

The Framers did more than separate the powers of government. They set up a system of checks and balances. Under this system, each branch of government can check, or limit, the power of the other branches. This system helps maintain a balance in the power of the three branches.

Here is an example of how the system of checks and balances works: Congress (legislative branch) has the power to pass a law. If the president (executive branch) disagrees with the law, he or she can reject it through the presidential power of the veto. This veto power checks the power of Congress. At the same time, Congress can override the veto. This checks the power of the executive branch.

The United States Supreme Court (judicial branch) also has important checks on the other branches. The Supreme Court has the power to interpret the Constitution and to decide whether or not actions by the legislative and executive branches are allowed.

Congress can check decisions made by the courts by beginning the process of changing the Constitution itself. For example, the Supreme Court ruled in the 1857 *Dred Scott v. Sandford* decision that enslaved African Americans were not citizens. In 1866 Congress proposed the Fourteenth Amendment. The amendment was meant to grant full citizenship to formerly enslaved African Americans. When ratified by the states in 1868, the Fourteenth Amendment had the effect of overruling the *Dred Scott* decision.

There are several other ways in which the branches of government check and balance one another.

Individual Rights

The Constitution that the Framers wrote in Philadelphia in 1787 did not have a Bill of Rights. These ten amendments became part of the Constitution in 1791. They guarantee basic freedoms and liberties including:

- Freedom of religion
- Freedom of speech and of the press
- Freedom to assemble in groups and to protest against the government
- The right to bear arms
- The right to a speedy and public trial by jury
- The right to be free from unreasonable searches and seizures by the government
- Freedom from "cruel and unusual" punishments

Since 1791, other constitutional amendments have expanded on the rights of the American people. For example, amendments have abolished slavery, defined citizenship, guaranteed "equal protection of the law" for all people, and guaranteed the right to vote for people aged 18 and older. Amendments have also authorized the direct, popular election of senators.

Describing What is the purpose of the system of checks and balances?

Amending the Constitution

SS.8.C.1.6, SS.8.C.2.1, LA.8.1.6.1, LA.8.1.6.3

How is the Constitution able to change over time?

The United States Constitution is one of the world's oldest written Constitutions. It is also a short document compared to many other constitutions. Its clear, direct language has helped support stable government for well over two centuries. At the same time, the Constitution has enabled government to adapt to changing times and to deal with challenges that the original Framers never dreamed of—from radio communications to nuclear power to space exploration and more.

The Constitution has changed as a result of formal amendment. The Framers allowed for this process when they wrote the Constitution. People have suggested many hundreds of amendments over the years. Yet the nation has amended its Constitution only 27 times. The Framers deliberately made the amendment process difficult.

As the diagram to the right shows, amending the Constitution **involves** two steps. The first is formal proposal of an amendment. Congress can do this by two-thirds' vote. Also, two-thirds of the state legislatures can call a convention to propose an amendment, though this method has never been used.

The second step in the amendment process is ratification. Ratification of an amendment requires approval by three-fourths of the states. States can ratify the amendment at either a state convention or through a vote by the state legislature.

Amendments have brought significant changes to the nation. In addition to protecting our rights, amendments have extended the right to vote to a larger share of the population. The Fifteenth Amendment sought to ensure that African American men would have the right to vote. The Nineteenth Amendment extended voting rights to women. The Twenty-Fourth Amendment outlawed poll taxes, giving more people the ability to vote. The Twenty-Sixth Amendment lowered the voting age to 18.

Formal amendment is one way the Constitution has changed. The language of the Constitution has also been subject to different interpretations.

For example, over history, Congress has claimed for itself certain implied powers (implied powers). These are powers that are suggested but not directly stated in the Constitution. The source of the implied powers is Article I, Section 8 of the Constitution. Here is found the "necessary and proper clause," or the "elastic clause." This clause directs Congress to "make all Laws which shall be necessary and proper" for carrying out its duties.

Also in Article I, Section 8, is the "commerce clause." This gives Congress power to "regulate Commerce with foreign Nations, and among the several States." Congress has used this clause to expand its powers into areas, such as the regulation of television, that do appear in the Constitution.