

Key Principles of the Constitution

1. Popular Sovereignty- people are the most important source of governmental power. Over time popular sovereignty has been expanded by amendments to the Constitution that grant more groups the right to vote: African Americans (the 15th Amendment), women (the 19th Amendment), and young people between the ages of 18-21 (the 26th Amendment)
2. Separation of Powers- believed that allocating 3 basic functions of government (legislative, executive, and judicial) could power be appropriately dispersed a. Adopted from Montesquieu (18th century, French) b. Parliamentary system- opposed to it because they believed that parliaments could be manipulated by monarchs or captured by impassioned but short lived majorities c. Distributive articles- 1st 3 articles of the Constitution define the structure and powers of congress (Article 1), the executive (Article 2), and the judiciary (Article 3)
3. Checks & Balances- Checks and Balances- no single branch can permanently dominant the other branches. Madison Fed 51= power must be divided, checked, balanced and limited. a. Staggered terms of president and senate help to avoid the tyranny of the majority b. Judicial Review- the power of the federal courts to rule on the constitutionality of legislation (nowhere explicitly provided in the constitution, framers supported this concept) i. Marbury v. Madison (1803)- Supreme Court asserted the power to review acts of congress and declare them null and void if they are found to be contrary to the constitution. Fletcher v. Peck (1810) extended this power to encompass the validity of state laws under the federal constitution
4. Limited Government-guarantees that government does not hold all the power and that it does only those things that people allow it to do. Government officials are subject to law themselves and held to the principles established in the Constitution. Presidents may be impeached, representatives may be voted out of office, and potential judges may be denied confirmation by the Senate.
5. Federalism- division of power between national and state governments. For example, only the federal legislature can declare war, only state governments can conduct elections, but both levels of government can levy and collect taxes.