

## **The Principles of the U.S. Constitution**

### **1. Historical Background**

The U.S Constitution sets forth the nation's fundamental laws. It establishes the form of the national government and defines the rights and liberties of the American people. It also lists the aims of the national government and the methods of achieving them. Previously, the nation's leaders had established an alliance among the states under the Articles of Confederation. But the Congress created by the Articles lacked the authority to make the states work together to solve national problems.

After the states won independence in the Revolutionary War (1775-1783), they faced all the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among them. They also had to deal with Indian tribes and negotiate with other governments. Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the need to create a strong national government under a new constitution.

Hamilton helped bring about a constitutional convention that met in Philadelphia, Pennsylvania, in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government — the Constitution of the United States. The Constitution established not merely a league of states, but a government that exercised its authority directly over all citizens.

Thus, The Constitution was written during the summer of 1787 in Philadelphia, Pennsylvania, by 55 delegates to a Constitutional Convention that was called ostensibly to amend the Articles of Confederation (1781–89), the country's first written constitution.

The framers of the Constitution were especially concerned with limiting the power of government and securing the liberty of citizens. The doctrine of legislative, executive, and judicial separation of powers, the checks and balances of each branch against the others, and the explicit guarantees of individual liberty were all designed to strike a balance between authority and liberty—the central purpose of American constitutional law.

*The Constitution consists of a preamble, seven articles, and 27 amendments. It sets up a federal system by dividing powers between the national and state governments. It also establishes a balanced national government by separating powers among three independent branches — the executive, the legislative, and the judicial. The executive branch, the President, enforces national laws; the legislative branch, the Congress, makes national laws; and the judicial branch, the Supreme Court and other federal courts, applies and interprets laws when deciding legal disputes in federal courts.*

## **2. Principles of the American Constitution**

The U.S. Constitution was constructed with Six (6) Basic Principles in Mind. It is these basic guides that kept the authors of the Constitution on track and guided the content of the world's greatest document of real freedom.

### **2.1. Popular Sovereignty**

Popular Sovereignty means —peoples' rule or that only the people empower the state or nation. —We the People—the words at the beginning of The Constitution of the United States of America introduces popular sovereignty in the Constitution's Preamble or introduction.

**2.2. Limited Government:** The U. S. Constitution was written to limit the power of government to protect the freedom of America's citizens. The U. S. government only has as much authority as the people allow it to have. Limited government means that neither the government nor any government official is above the law

### **2.3. Separation of Powers**

To help keep the federal government from becoming too strong, the powers granted to it by the people were also carefully divided into three branches:

- ~ Legislative (Congress...Makes Laws)
- ~ Executive (President and Staff...Executes or Administers Laws) and
- ~ Judicial (Federal Court System...Interprets Laws based on the Constitution).

This separation of powers was intended to prevent misuse of power by any of the three branches of the federal government.

## **2.4. Checks and Balances**

With —checks and balances, each branch of government has the authority to restrain the actions. With —checks and balances, each branch of government has the authority to restrain the actions of either of the other two branches.

## **2.5. Judicial Review**

The principle of Judicial Review was established early in America's history. This power allows federal courts to take action against government actions seen as being unconstitutional. Judicial Review refers to the power the federal courts have to cancel any government action that is determined to violate some provision of the Constitution.

## **3. The main Branches of Government**

### **3.1. The Legislative Branch**

It is also called Congress. It is a bicameral Congress, consisting of two chambers (houses). **The Senate** is often referred to as the upper house. A member of the Senate is addressed as senator. The house has 100 members, two senators for each State and both senators represent the entire State. In fact Senators are elected for six years, however, every two years one thirds face re-election.

**The lower house or the House of Representatives** has 435 members, all of whom are elected every two years. Members of the House of Representatives are called Congressmen/Congresswomen. The number of representatives from each State is determined by State's population but the smallest states (like Rhode Island, Delaware...) have only one representative. California is the most populous state which had 52 representatives (in the 106th Congress 1998- 2000). For electing representatives, each State is divided into Congressional districts. The districts within a State are about equal in population. Thus, one representative is elected from each district. His or her duties are to protect the interests of the people of that district. The job of Congress is to pass laws.

**Before a law is passed, it is called a Bill. A bill must be approved by a majority of each house of Congress and by the President. If the President vetoes (disapproves) a bill, it can still become a law at least two third of members of each house of Congress override the veto by voting for it when it is voted again.**

### 3.2. The Executive Branch

**The President** is the Nation's chief executive. As such, he must see that all national laws are carried out. He also spends much of his time making decisions about foreign policy.

A very large staff of advisers and other employees assist the President. In fact the executive branch employs almost 3 million people all over the World. The President also appoints the ambassadors and other consular heads that represent the USA abroad. In addition to that, he appoints the judges of the federal courts.

**Cabinet** consists of the most important advisers. The cabinet consists of the heads of the 14 departments of the executive branch such as the secretaries of education, defense, agriculture ...etc. Cabinet members are chosen by the President with the approval of the Senate.

**Vice President** is the only other elected person in the executive branch; one important constitutional duty of the Vice President is to serve as President of the Senate and become a President of the Nation upon the death, resignation, or disability of the President.

### 3.3. The Judiciary Branch

It consists of federal courts and the Supreme Court. One of the unusual features of the American Judicial system is the power of courts to declare legislation **unconstitutional**, and therefore, **void**.

**Federal Laws** are in some way controlled or affected by all three branches of government. How? Congress makes them. President approves and enforces them. Courts determine what they mean and whether they are constitutional. This is an example of **checks and Balances by which each branch of government prevents improper actions by other branches**.

