**Popular Sovereignty**

The Idea that the power of government lies with the people is called **popular sovereignty**. Popular sovereignty means “the right to rule” or “the people’s right to rule”.

The Declaration of Independence is a statement about popular sovereignty. It says that governments should get their powers “from the consent of the governed”.

The Constitution includes several parts that protect or ensure, which means to guarantee, the sovereignty of the people. **Under the Constitution the will of the people can be voiced and government controlled through elections and voting.**

By a majority vote the people choose and decide who will represent them in Congress and look after their interests and the interests of the communities that they live in.

**Limited Government and the Rule of Law**

The Framers, or the guys who wrote the Constitution, wanted the government to be strong but not too strong. To make sure that this didn’t happen they included the principle of **limited government**.

**Limited Government means that government can do only what the people allow it to do.**

The Constitution limits the power of both Federal and State governments. The Constitution states what each may or may not do.

The Constitution also limits the U.S. government by the **rule of law**.
The rule of law means that the law applies to everyone, even those who govern or lead the country. No one may break the law. No one, even at the highest level of government, can escape its reach.

Because of this limited government and the rule of law prevent tyranny by the government and protect the liberty of the people.

**Separation of Powers**

The framers wanted to protect Americans from the misuse of power and abuse of the leaders. They took steps to make sure this couldn’t happen. They strategically wrote the Constitution to ensure that this could not happen. They did this by dividing the government into three parts, or branches. Each one of the branches would have different tasks. This was based upon the ideas of Montesquieu. The dividing up of the government into three branches is known as separation of powers.

By separating the government into three parts the framers believed that no one branch could become too powerful and be able to take over the government. They believed that human nature would have a role in this. Human nature suggests that the leaders in each branch would guard their own power from attempts by another branch to expand and take over their power.

Checks and Balances.
The framers believed that separating the government into three branches was not enough to ensure that one branch would not have the ability to take control of the other two. Because of this they developed another plan. The goal of this plan was to provide a framework for each of the three branches to have some say and control over what the other two were doing.

This plan was called **checks and balances**. Under this plan each branch of government is able to check, or limit, the power of the other two branches in a number of different ways.

**SYSTEM OF CHECKS AND BALANCES IN THE U.S. FEDERAL GOVERNMENT**

**EXECUTIVE BRANCH**

- Approve presidential appointments
- Authority to bring impeachment hearings
- Power to override presidential vetoes
- Control appropriations
- Ratify treaties
- Declare war

**JUDICIAL BRANCH**

- Interpret laws and Presidential actions
- Judges appointed by the President
- Serve for life

**LEGISLATIVE BRANCH**

- Power to institute new courts
- Authority to impeach
- Approve Judicial appointments made by President

**Arrows indicate the direction of a check one branch exerts over the other.**

Federalism
Another way to further place limits on the government can be found in our federal system. Under the system of **federalism power is shared by the national government and the states.** Here, national and state governments have independent authority over people at the same time.

Under Federalism the federal government has some powers that are its alone. The same can be said for some powers under the state governments. Then there are some powers that are shared between the two.

**Three Types of Power**

Under the Constitution the framers divided the powers into three types.

**Enumerated powers-** *(enumerated means “listed” or :spelled out”)* These are the powers which are actually listed in the Constitution for the states and federal governments. These powers are stated and listed in the Constitution.

**Reserved Powers-** These are the powers which are reserved for just the states like regulating trade within their borders, setting up schools, speed limits, and marriage and divorce.
Concurrent powers- These are the powers that both the state and federal governments carry out. These include collecting taxes, borrowing money, and setting up courts and prisons.

The Supremacy Clause

Under this type of federal system the state and federal laws may conflict sometimes. The framers knew that this would happen so they wrote in a specific statement to handle this when it occurs. This statement is called the supremacy clause. It is found in article VI.

The supremacy clause states that the Constitution and other laws and treaties made by the national government “shall be the supreme Law of the Land.”

Because the Constitution is the highest law, the national government is not supposed to act against it. So states can do nothing that goes against the Constitution of federal law.