The U.S. Constitution is often referred to as a “living constitution.” The following quote from Chief Justice John Marshall will shed light on why:

The subject is the execution of those great powers on which the welfare of a nation essentially depends . . . This provision is made in a Constitution intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs.

Major Principles

**Popular Sovereignty**

The power to rule belongs to the people. People of the nation are the sources of government power.

The government can govern only with the consent of the governed. Preamble: “We the People of the United States . . . do ordain and establish the Constitution for the United States of America.”

**Limited Government**

Government is not all powerful, it can do only those things that the people have given it the power to do. Government must obey the law. This is referred to as “rule of law” or “constitutionalism.” The government and government officials are subject to the law, never “above the law.” Article VI, Section 2: “The Constitution and the laws of the United States . . . shall be the supreme law of the land . . .”

**Separation of Powers**

The Constitution distributes the powers of the central government among the three branches—legislative, executive, judicial. Each branch has its own responsibilities. Each branch addresses different tasks of the whole society . . . separation of powers is meant to increase the efficiency of government. Article I, Sec. 1: “All legislative powers herein granted shall be vested in a Congress of the United States . . .” Article II, Sec. 1: “The Executive power shall be vested in a President of the United States.” Article III, Sec. 1: “The Judicial power of the United States shall be vested in one Supreme Court . . .”

**Checks and Balances**

Each branch of the government would have some control over the other branches. The principle of checks and balances would prevent any one branch from ignoring or overriding the decisions of the other branches. Article I, Sec. 7, Cl.3: “every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him . . .”

**Judicial Review**

This is the power of the Supreme Court to declare an act of Congress to be “unconstitutional.” Nowhere in the Constitution is this power stated. However, the interpretation of the Supremacy Clause by Chief Justice Marshall in the case of *Marbury v. Madison* (1803) set a precedent for the Court to act as the guardian of the Constitution. Article VI, Sec. 2: “The Constitution, and the laws of the United States . . . shall be the supreme law of the land.”

**Federalism**

The Constitution divided the powers of government between the central or national government and the state or regional governments. Neither kind of government was given all the powers. They are independent of each other in terms of certain powers; however, they must cooperate on certain shared or concurrent powers. Amendment 10: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”