

KEY CONSTITUTIONAL PRINCIPLES a.k.a. The Big Four

1. Limited Government

- A type of government in which the functions and powers of authority are written, limited, and restricted by law to protect the citizenry.
- Establish the **rule of law**
- Powers denied national government:
 - a) Bill of Rights
 - b) suspension of *habeas corpus* – prisoner entitled to be brought to court and charged with a crime
 - c) *ex post facto* laws – retroactive law
 - d) bills of attainder – legislation to declare an act of individual or group guilty of some crime without a trial

2. Separation of Powers

- Power divided among the three branches of government (legislative, executive and judicial)
- Members of the House of Representatives, members of the Senate, the President, and the federal courts are selected by and responsible to different constituencies.
- Examples:
 - a) Congress – power to make laws, coin money, raise an army and a navy, declare war
 - b) President – power to execute the laws, commander in chief, negotiate treaties
 - c) Judicial – power to interpret the law (judicial review)

3. Checks and Balances

- Way in which the separation of powers is carried out
- A government structure that gives each of the three branches of government some degree of oversight and control over the actions of the others.
- Examples:
 - a) Congress: override presidential veto, Senate approve presidential appointments and treaties; impeach President or SC justice
 - b) President: veto law; appoint SC justices
 - c) Supreme Court: declare laws or executive actions unconstitutional

4. Federalism

- A system of government in which power is divided between the national government and the state governments and in which independent states are bound together under one nationalized government.
- National government is supreme