

CONSTITUTION OF USA: BASIC FEATURES.

Introduction

The American constitution came into force in 1789 and is the supreme law of the United States of America. The constitution's first 3 words, "we the people" affirms that the government of the US exists to serve it's citizens.

Basic features

- *Written constitution:* like the other federal constitutions in the world the constitution of America is written in form. It is a brief document and is known as the oldest written and codified national constitution in force.
- *Federal character:* The American constitution is federal in character. A constitutional division of powers has been made between the centre and the federating units. The constitution enumerates the powers to be exercised by the federating units thus creating a weak centre as the residuary powers have been given to the federating states.
- *Rigidity:* American constitution is probably the most rigid constitution in the world. It can be amended by a very lengthy and difficult process.
- *Presidential system:* The constitution provides for the presidential type of government in the US. All powers are vested in the president. He is elected for a fixed period of 4 years and cannot be removed before the expiry of his tenure.

Though the constitution provides indirect election of the president but in practice his election has become direct.

- *Supremacy of the constitution*: it means the supreme law of land. Neither the centre nor the states can override it. A law or an executive order repugnant to the constitution can be declared unconstitutional and invalid by the supreme court.

- *Separation of powers*: The constitution is based on the doctrine of the “separation of powers”. Although the three wings of administration viz the executive, the legislature and the judiciary are inter dependent and cannot be separated entirely but an attempt has been made in the American constitution to separate them as much as possible.

- *System of Checks and Balances*: recognizing the importance of close cooperation among the three organs of the government the fathers of the constitution introduced checks and balances where the powers of one organ was so devised as to exercise a check upon the powers of others. For example, the president can veto bills passed by the legislature.

- *Judicial Review*: The constitution provides for the judicial review of the legislative enactment. The federal judiciary can declare any legislative or executive action null and void if the same is found to be inconsistent with provisions of the constitution.

- *Republicanism and US Constitution*: The USA is a republic with the president as the elected head of the state. The constitution

derives its authority from the people. Moreover the constitution makes it binding upon every constituent state to have the republican form of government.

- *Dual citizenship*: The constitution provides for dual citizenship for the people of the US. An American is the citizen of USA and also of the state wherein he/she is domiciled.

- *Spoils system*: This is an interesting feature of the American political system. The system is associated with the name of the president Andrew Jackson. According to this system when a new president takes over the charge of the administration appoints afresh all important officials of federal government. The entire administration of the previous president is streamlined. This system is known as spoils system because important jobs are distributed among the henchmen of the president or his party without taking into accountability, experience or talent of the men appointed.

- *Bill of Rights*: The bill of rights is the first 10 amendments of the American constitution. It spells out the American rights in relation to their government which was adopted on Dec 15th, 1791. The amendments are as follows:

First Amendment: provides several rights and protection to express to assemble or gather in groups. It prevents the government from creating or favouring a religion.

Second Amendment: protects the right to keep or bear arms.

Third Amendment: prohibition of the involuntary quartering of soldiers in private houses.

Fourth Amendment: bars the government from unreasonable search and seizure of an individual or their private property.

Fifth Amendment: requires grand jury indictment in prosecution for major crimes and prohibits double jeopardy for single offence.

Sixth Amendment: an accused person is to have a speedy public trial by jury and to be informed about the nature of the accusation, to be confronted with prosecution witness and to have the assistance of counsel.

Seventh Amendment: extends the right to a jury trial in federal civil cases.

Eighth Amendment: bars from excessive bail and fines and cruel and unusual punishment.

Ninth Amendment: protects enumerated residual rights of the people.

Tenth Amendment: 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.