The constitution – basic ideas

The Basics

Basically, the Constitution is the highest law in the United States. All other laws come from the Constitution in some way. The Constitution also provides the framework for the government of the United States. It creates things like the Presidency, the Congress, and the Supreme Court. Each state has its own constitution, which is the highest law for the state — but even then, the United States Constitution is higher.

Over time, some things have been added to the Constitution. Called "amendments," these add-ons list some of the rights of the people. By listing these rights, they are made special, and it is illegal for the government to violate those rights. As of 2006, there are 27 amendments to the Constitution. Not all of them involve rights, but many do. The first ten amendments, in particular, have the special name of the Bill of Rights.

How it all works

The Constitution sets up three main branches of government. These are called the Legislative, the Executive, and the Judiciary. Each one has its own role in how the law is made and administrated.

The role of the Legislature is to make the law. The legislature is called the Congress, and is made up of the House of Representatives and the Senate. Each Representative comes from a district in one of the states. That person's job is to represent the people in that district. The people elect the Representative and have the right to tell him or her how they feel about issues. There are 435 Representatives. Bigger states have more Representatives and every state has at least one. The Senate is made up of 100 Senators, two from each state. When the Congress wants to pass a law, both the House and the Senate must agree to the exactly same law. If they cannot agree, the law cannot pass.

The role of the Executive is mainly to make sure the law is carried out. The Executive is headed by the President, and includes the Vice President and the Secretaries of all the national departments, like the Department of Homeland Security and the Department of Education. But before a bill becomes a law, it is sent to the President. The President has three choices. He can sign the bill, in which case it becomes a law. He can veto the bill, which then gets sent back to Congress, which can then override the veto if two-thirds of both houses of Congress vote to do so. Or he can refuse to sign the bill, but not veto it; in this case, the bill will become law after ten days. This process is one example of the system of checks and balances in the United States government. The Congress must pass laws the President agrees with, but the President can't refuse to sign a law without taking a stand on it.

The last branch is the Judiciary. This includes all the federal courts, all the way up to the Supreme Court. States have their own court systems that fall underneath the national court system. The role of the Judiciary is to interpret the law.

The law might say, "It is illegal to break into someone's home." If someone is caught breaking into someone's home, the courts will ask several questions. First, can the government make this illegal? If it cannot, the law is called "unconstitutional" and the courts will say it is invalid. Next, the court will ask if the person is actually guilty of the crime. Usually, a jury will find someone guilty or not guilty, but sometimes just a judge makes this finding. A trial by jury is a constitutional right — it means that other people from your community will decide if you broke the law. Because juries and courts can make mistakes, people can "appeal" convictions, and there is a set of special courts to handle appeals. The last court of appeal is the Supreme Court. Whatever the Supreme Court says is the end, because there is no higher court one can appeal to.