

Legal Institutions

Three Issues

- The Hierarchy of Laws
- How Judges Make Law
- Dual Sovereignty

The Hierarchy of Laws

The United States

- The Federal or State Constitution
- Statues
- Common Law
- Executive Decision

The Hierarchy of Laws

- | The United States | The United Kingdom |
|------------------------------------|-----------------------------|
| •The Federal or State Constitution | •The Unwritten Constitution |
| •Statues | •Statues |
| •Common Law | •Common Law |
| •Executive Decision | •Executive Decision |

How Judges Make Law

- Finding Common Law

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- Finding Common Law
- Interpreting Statues

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- Interpreting Statues
- Finding Conflict between Statues

How Judges Make Law

- Finding Common Law
- Interpreting Statues
- Finding Conflict between Statues

In the United Kingdom,
Statues cannot be declared
unconstitutional

The American Legal System

- Both States and the Federal Government are Sovereign.
- Neither can interfere in the other's affairs.

American Dual Sovereignty

- Both States and the Federal Government are Sovereign.
- Neither can interfere in the other's affairs.
 - A state cannot tell the Federal Government how to run its affairs.
 - Within constitutional limits the Federal Government cannot tell a State how to run its affairs.

State Sovereignty

- Violations of state laws, including arrests, trials and punishment, are matters for state authorities.

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- Violations of state laws, including arrests, trials and punishment, are matters for state authorities.
- The only right of appeal to the Federal Courts is a violation of rights guaranteed under the US constitution.

An Example

- At one point, the Federal Government attempted to mandate that local Sheriffs check handgun applicants.
- While Federal handgun legislation was held constitutional, the Supreme Court ruled that the US government could not issue orders to State Officials.

In Sum

- Federal Courts consider Federal Matters
- State Courts consider State Matters.

End

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