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 United Kingdom
• The Unwritten Constitution
• Statues
• Common Law
• Executive Decision

How Judges Make Law
• Finding Common Law
• Interpreting Statues
How Judges Make Law

- Finding Common Law
- Interpreting Statutes
- Finding Conflict between Statutes

The American Legal System

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

In the United Kingdom, Statues cannot be declared unconstitutional

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.
- 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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