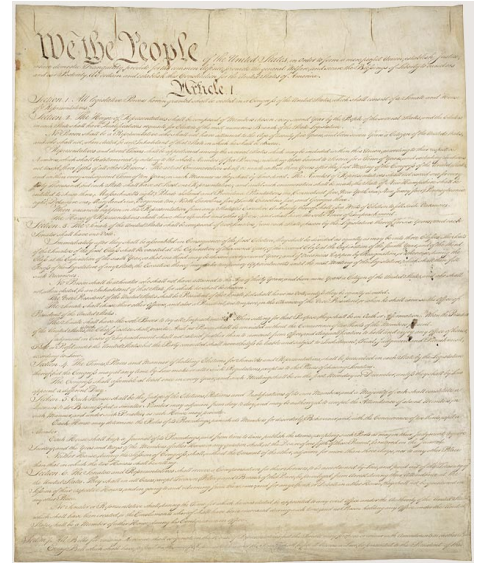


Sources of Law Reading

Constitutional Law

The U.S. Constitution is known as the “supreme law of the land”. This means that no laws in the country can conflict with what is set forth in the U.S. Constitution. The Constitution extends specific powers to the three branches and powers of government (legislative, executive, judicial) and divides powers between the national and state governments. The supremacy clause found in Article Six of the U.S. Constitution says that the higher levels of government decide how much power lower level governments will have. Higher level governments make laws impacting lower level governments in deciding what kind of laws that lower level governments may or may not make. The national government may decide the powers of the state governments and the state governments may decide which powers that the local governments within those states may have. The Constitution also places limits on certain types of laws. For example, Congress may not pass a law that limits an individual's freedom of religion.

Each state also has its own constitution. State constitutions are similar to the U.S. Constitution, but only apply to that state. State constitutions may also contain many laws pertaining to that state.



Statutory Law

The U.S. Constitution gives Congress permission to pass laws about specific (but limited) topics. These laws are called statutes. Statutes passed by legislatures apply to everyone in the United States. Article I, Section 8 of the U.S. Constitution explains the specific powers of Congress. You will find many federal statutes related to these enumerated powers. State constitutions also allow state legislatures to pass laws. They are also called statutes. State statutes only apply to inside the state in which they were passed. Local governments may also pass their own laws. Those are called ordinances.

Federal Example: Laws related to immigration

State Example: Speed limits; high school graduation requirements

Local Example: parking zones; jaywalking laws



Regulations

Each branch of the U.S. government has a different job according to the U.S. Constitution. Congress makes laws, but the executive branch enforces laws. It would be tough for Congress to make a law for everything needed to run our country. So Congress has allowed the departments of the executive branch (i.e. Agriculture, Transportation, Treasury, etc.) to make small rules that are needed to run their departments and enforce the bigger laws. The rules are known as regulations. A regulation is very similar to a law.



Sources of Law Reading

Case Law

Sometimes, laws based in constitutions, statutes, or regulations are confusing, and people do not agree on what they mean, or how to enforce them. That is where the judicial branch comes in with their ability to interpret laws. If a law is challenged in the court system, once the courts decide how the law should be interpreted, everyone must follow that in the future. This is called a precedent. Prior court decisions, or precedents, make up what we refer to as case law.

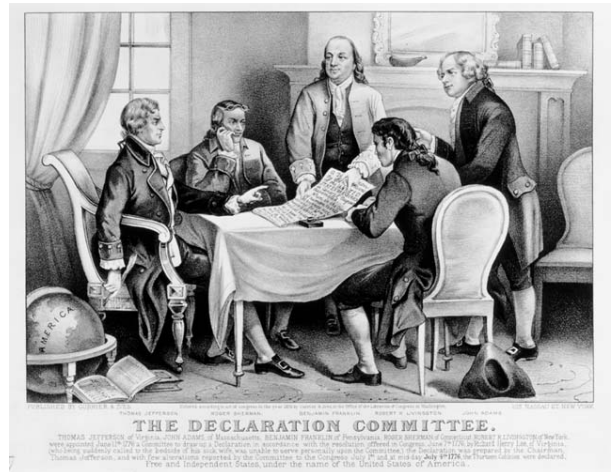
Common Law

Case law is actually part of common law, and often the two terms are used interchangeably. Common law comes only from previous judicial decisions and not from statutes. Sometimes, the law/statutes have gaps or holes. Common law refers to those rules created and applied by courts when a statute may be absent. Common law combines all customs, traditions, and similar prior court decisions (precedents).

Natural Law

Natural law is the belief that all humans have certain rights derived from nature rather than rules of society. An important part of natural law is “natural rights”. Natural rights are rights that everyone has and they do not overlap with other people’s rights. The most known example of natural law was written into the Declaration of Independence stating, *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”*

The Founding Fathers creating the U.S. Constitution were not focused on granting rights, but establishing a government of laws (not men) in order to secure each person’s rights. The founders recognized that a code of laws were necessary to protect natural law.



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