

## Where do our laws come from?

Laws keep our society running as smoothly as possible. When you think of the law, you probably think of rules that say what people can and can't do. We all know that you cannot steal from others without getting into trouble. That's one example of a law, but most laws set rules for how things work. There are laws about how people buy and sell property, how we elect government officials, and how activities in daily life should *work*. Where do all these laws come from? There are three main sources of law in the United States: constitutions, statutes, and regulations.



### Constitutions

The United States Constitution is often called “the supreme law of the land.” That means no law in the country can violate the rules, laws, and rights set forth in the Constitution. Some parts of the Constitution give specific laws that apply everywhere in the United States. For example, if someone commits a crime in one state and then flees to another state, the Constitution allows the criminal to be *extradited*, or sent back, to the state where the crime was committed.

Other parts of the Constitution either authorize (allow) types of laws that may be passed or forbid (ban) certain types of laws. For example, the Constitution allows Congress to pass laws about how business is conducted across state lines. The Constitution forbids Congress from passing laws that limit peoples’ freedom of religion. The bottom line is that no law can be made in the U.S. unless the Constitution allows it to be made.

Each state also has its own constitution that works the same way as the U.S. Constitution, but only applies to that state. Many laws in your state come from your state’s constitution and do not apply outside your state. Even so, laws in state constitutions must not violate the U.S. Constitution.

### Statutes

The Constitution gives Congress permission to pass laws about a limited number of topics. When Congress passes a law, that law is called a **statute**. Statutes passed by Congress apply to the entire United States. All of the thousands of statutes passed by Congress are collected together and organized by subject. The collection is called the **United States Code**.

For example, the Constitution says Congress has the power to “establish post offices” and pass any laws “necessary and proper” for carrying out that power. This means that Congress can establish post offices and pass all the laws needed for running a postal service. In the part of the *U.S. Code* that deals with post offices, you would find a statute that establishes the United States Postal Service. You would also find many other statutes having to do with running the U.S. Postal Service. There are statutes about what can and can't be sent through the mail, how the Postal Service must manage its money, working for the Postal Service, and many more.



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# Sources of Law

Name: \_\_\_\_\_

## Statutes, continued.

State constitutions also authorize state legislatures to pass state laws. The state laws are also called statutes, and they only apply inside the state. Often, state statutes allow local governments to pass their own laws. Local laws are usually called **ordinances**, and they only apply within local boundaries, such as within a city or county.



Local Ordinance



Department of Veterans Affairs



## Regulations

Congress has the power to pass laws, but not to carry them out. The executive branch has the power to execute, or carry out, laws—but not to pass them! This means the two branches must work together. The executive branch is full of agencies that carry out laws. There are departments of Agriculture, Transportation, Treasury, Veterans Affairs, and many more... including the Postal Service! Congress does not have time to pass laws about every little detail of how all these agencies should run. Instead, Congress gives each agency the power to create its own rules. The rules that an agency within the executive branch makes are called **regulations**.

A regulation has power similar to a law. Some regulations say what people can and can't do. For example, there are Postal Service regulations that prohibit spitting, blocking the door, or asking for money at a post office. Other regulations describe how things work. For example, the Postal Service has a regulation allowing customers to pay for postage over the Internet.

States also have agencies, and state agencies also issue regulations.

## Judicial Precedent & Interpretation

Statutes and regulations aren't always clear. Very often, people will argue about the meaning of a law and how a particular law should work. When people argue about how a statute or regulation should work, it often leads to a lawsuit. In the **lawsuit**, one side complains that it has suffered because the other side has not followed the law properly. The lawsuit will go through the court system. The court's job is to interpret the law and decide how it should be applied to a specific case.

The lawsuit will begin in the trial court and might be appealed all the way to the Supreme Court. Once the Supreme Court has decided how the law should be interpreted, that interpretation must be followed in the future. This is called a **precedent**. A precedent is a decision that people can point to and say, "Here is how you handled this situation before." In this way, the court's interpretation acts as a law. Only the court can change a precedent. It does this by interpreting the law differently, which creates a new precedent.

At the state level, a state's court of appeals and supreme court set precedents for how the state's laws should be interpreted.

