

## Syllabus

Class  
Schedule  
and  
Assignments

American  
Legal  
System



## The American Legal System

- The U.S. Constitution
  - Written in 1787, ratified in 1788
- The Bill of Rights/Amendments
  - Bill of Rights Ratified in 1791
- The formation of our government and the establishment of laws
  - Legislative, executive and judicial branches



## The U.S. Constitution:

- Spells out the powers of the federal government
- Defines distinct powers for Congress (legislative branch), the President (executive branch), and the federal courts (judicial branch)
- This division of authority is known as the separation of powers
  - Ensures that none of the branches of gov't can dominate others



## Checks and Balances

- By dividing various powers, the Constitution creates a system of *checks and balances*.
- If one branch threatens to become too powerful, other branches may act to thwart it.
- On 12/24/03, the courts (judicial branch) halted changes to the Clean Air Act (legislative branch) that were proposed by the Bush administration (executive branch).



## Articles of the Constitution

- Article I vests legislative power in Congress
  - Only Congress can enact general laws, i.e. adopting national environmental policy like the Clean Air Act
  - Spending power
- Article II vests executive power in the President
  - Law enforcement
  - Prosecutes federal crimes
  - Agencies
- Article III vests judicial power in the Supreme Court and other federal courts
  - Law interpretation
  - Power to conduct trials

## Article I

- House Requirements
  - Selected every 2<sup>nd</sup> year by popular vote
  - 25 years old
  - Citizen for 7 years
  - Apportioned to the states based on population
  - Each state will have at least one representative
  - Currently a total of 435 members of the House of Representatives
- Senate Requirements
  - Selected every 6<sup>th</sup> year by popular vote\*
  - 30 years old
  - Citizen for 9 years
  - Two Senators per state
  - 100 voting members of the Senate

## Commerce Clause

- The Commerce Clause provides the authority for Congress to pass environmental laws
- Commerce refers to trade, or exchange of goods and services
- Currently, the Commerce Clause is broadly interpreted to mean that any activity can be regulated by the federal government if it substantially effects interstate commerce

## Commerce Clause – Example

- In *Hodel v. Virginia Surface Mining Reclamation Association (1981)*, the plaintiff challenged the Surface Mining and Reclamation Act because they held that it regulated private matters rather than interstate commerce.
- The Supreme Court ruled that there was a rational basis for Congress to determine that mining affects interstate commerce because of the impact of mining on water pollution; national standards were required
- Therefore, the court held that the purpose of the Act is to protect interstate commerce from

## Article II

- Vests executive power in the President
- Holds a term of four years
- President must be 35 years old
- Natural born citizen
- Commander in Chief of the armed services
- Power to make treaties with foreign governments
  - With 2/3 concurrence of the Senate



## Article III

- Vests judicial power in the Supreme Court and in other federal courts
- Judicial power extends to:
  - Federal questions
  - Controversies between two or more states
  - Controversies between citizens of different states

