



Diane S. Kaplan



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An Introduction to the American Legal System, Government, and Constitution

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An Introduction to the American Legal System, Government, and Constitution introduces the reader to the basic structures of government that inform the everyday thinking of lawyers in America. It presents historical and contemporary events that demonstrate how the American government has accommodated social progress while maintaining the rule of law in an ever-changing and highly diverse nation.

Chapter 1 presents a brief history of the Constitution of the United States. It explains the historical events and philosophical doctrines that influenced the colonists' efforts to seek independence from England and, as thirteen colonies, unite as one nation under the Constitution. Chapters 2, 3, and 4 examine the distribution of powers among the three branches of the federal government. Chapter 2 describes the organizational structure, powers, and limitations on the powers of the legislative branch. Chapter 3 examines the executive branch and the nature of presidential authority. Chapter 4 explains the organization of the judicial branch, its jurisdictional authority, and its role in developing national policy.

Chapter 5 presents the constitutional principles of separation of powers, checks and balances, and federalism by examining how these doctrines have influenced the relationships among the three branches of government. Chapter 6 presents First Amendment principles that affect the relationships between the rights and responsibilities of American citizens, and the powers, and restraints on the powers, of the government.

Chapter 7 explains how the federal and state judicial systems operate, and the relationships between the two systems. Chapter 8 examines the criminal law system and the due process protections the government must provide to criminal defendants.

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A Brief History of the Constitution of the United States

The *Constitution*¹ establishes the structure of the federal government, distributes power among the *legislative*, *executive*, and *judicial branches* of the government, defines the *rights* and *liberties* of the American people, and specifies the *sovereign powers* retained by the 50 states. Any law passed by either the federal government or any of the state governments that conflicts with the Constitution is unconstitutional and void.

Constitutional History

America's story began in the early 1600s when English Pilgrims traveled across the Atlantic Ocean to develop *colonies* (settlements) along the eastern coast of the North American continent. During the first 100 years, England and the colonies had mutually beneficial and compatible relations with each other. While the colonies remained loyal to England and operated with self-sufficiency, England provided them with military protection, a financial system, and a market for trade. However, in 1760, when George III became the King of England and began imposing oppressive laws, taxes, and trade restraints on the colonies, many colonists' attitudes toward England shifted from mutual co-operation to resentment and opposition. The slogan "No Taxation Without Representation" reflected their concerns about the new King and his new regime of regulations and taxes, which they believed were being imposed on them without the opportunity to be represented in the British Parliament. An example of the colonists'

¹ Appendix A contains a copy of the Constitution. Italicized words are defined in the Glossary.