

# Kinds of law in the USA

## Изучите выражения к тексту

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- |  |   |
|--|---|
| <input type="checkbox"/> to conflict with the constitution | <input type="checkbox"/> противоречить конституции                          |
| <input type="checkbox"/> charter                           | <input type="checkbox"/> устав, хартия                                      |
| <input type="checkbox"/> statute                           | <input type="checkbox"/> статут   |
| <input type="checkbox"/> ordinance                         | <input type="checkbox"/> указ, декрет, постановление                        |
| <input type="checkbox"/> to enact                          | <input type="checkbox"/> вводить закон                                      |
| <input type="checkbox"/> legislature                       | <input type="checkbox"/> законодательная власть, законодательные учреждения |
| <input type="checkbox"/> legislative authority             | <input type="checkbox"/> правила и нормативы                                |
| <input type="checkbox"/> rules and regulations             | <input type="checkbox"/> правительственное учреждение                       |
| <input type="checkbox"/> administrative agency             | <input type="checkbox"/> лишать законной силы                               |
| <input type="checkbox"/> to invalidate                     | <input type="checkbox"/> недействительный, не имеющий юридической силы      |
| <input type="checkbox"/> void                              | <input type="checkbox"/> пересматривать                                     |
| <input type="checkbox"/> to review                         | <input type="checkbox"/> принимать закон                                    |
| <input type="checkbox"/> enact a law                       | <input type="checkbox"/> вне чьей-либо компетенции                          |
| <input type="checkbox"/> beyond one's scope                | <input type="checkbox"/> поправка к конституции                             |
| <input type="checkbox"/> amendment to the constitution     | <input type="checkbox"/> конфискация, наложение ареста                      |
| <input type="checkbox"/> seizure                           | <input type="checkbox"/> беспристрастный, неподвзятый                       |
| <input type="checkbox"/> impartial                         |   |
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- |                          |                               |                          |                                    |
|--------------------------|-------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | deprivation of life           | <input type="checkbox"/> | лишение жизни                      |
| <input type="checkbox"/> | system of checks and balances | <input type="checkbox"/> | система сдержек и противовесов     |
| <input type="checkbox"/> | Statutory law                 | <input type="checkbox"/> | статутное право                    |
| <input type="checkbox"/> | case law                      | <input type="checkbox"/> | прецедентное право                 |
| <input type="checkbox"/> | stare decisis                 | <input type="checkbox"/> | лат. букв. стоять на решенном      |
| <input type="checkbox"/> | to bind                       | <input type="checkbox"/> | обязывать, связывать, ограничивать |
| <input type="checkbox"/> | appellate review              | <input type="checkbox"/> | апелляционный пересмотр            |
| <input type="checkbox"/> | issue                         | <input type="checkbox"/> | предмет тяжбы                      |
| <input type="checkbox"/> | to abide by                   | <input type="checkbox"/> | придерживаться                     |
| <input type="checkbox"/> | to adhere                     | <input type="checkbox"/> | оставаться верным                  |
| <input type="checkbox"/> | to delegate authority         | <input type="checkbox"/> | передавать полномочия              |
| <input type="checkbox"/> | to overturn                   | <input type="checkbox"/> | опровергать, отменять              |
| <input type="checkbox"/> | lower courts                  | <input type="checkbox"/> | суды первой инстанции              |
| <input type="checkbox"/> | to nullify                    | <input type="checkbox"/> | аннулировать                       |
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Переведите выражения синхронно

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## Переведите текст устно

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There are 51 basic legal systems in the United States: the federal system and a separate system in each of the 50 states. Although these systems are mainly similar, they also have important differences. For example, laws governing marriage and divorce are not the same in all states. The differences among legal systems exist because each of the original 13 states was previously sovereign (independent).

The US law consists of the following:

- The constitutions of the United States and of the 50 states, and charters or constitutions for cities or counties,
- The statutes enacted by elected representatives
- Administrative law, and
  
- Case law, as expressed in court decisions.

These four types of laws - constitutional, statutory, administrative, and case — are each created by federal and state governments.

Local governments generally create only statutory and administrative laws.

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# Переведите текст устно

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## 1. Constitutional Law

Constitutions are the supreme sources of law. The federal Constitution of the USA is said to be «the supreme law of the land.» This means that any state law -including a part of a state constitution - is void to the extent that it conflicts with the federal Constitution.

The Supreme Court of the United States is the final interpreter of the federal Constitution and each state supreme court is the final authority on the meaning of its state constitution.

The federal and state constitutions allocate powers:

1. Between the people and their governments,
2. Between state governments and the federal government, and
3. Among the branches of the governments.

The federal Constitution is the main instrument for allocating powers between persons and their governments. It does this with its first ten amendments to the constitution, called the Bill of "Rights, which protect citizens from certain acts of their governments. Important rights of citizens are included in the Bill of Rights. They are:

1. freedom of religion,
  2. freedom of speech, press, and peaceable assembly,
  3. security in person and property against unreasonable searches and seizures,
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## Переведите текст устно

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4. right to remain silent if accused of a crime, and to have a speedy and public trial by an impartial jury,
5. protection from any cruel or unusual punishment if convicted of a crime,
6. right to fair compensation for private property taken by the government for any public purpose, and
7. protection from deprivation of life, liberty, or property without due process of law.

The federal Constitution allocates certain governmental powers to the federal government and certain other powers to the state governments.

State and federal constitutions allocate governmental powers among the three branches of government: the executive, the legislative, and the judicial. Constitutions do this to create a system of checks and balances among the branches so that no branch of government becomes too powerful.

### 2. Statutory Law

The Congress of the United States and federal legislatures are composed of elected representatives of the people. Acting on behalf of their citizens, these legislatures may enact new *statutes*.

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All state legislatures have delegated some of their legislative authority to local governments. Thus, towns, cities, and counties can legislate in their own geographic areas on matters over which the state has given them authority. This legislation is created by a town or city council or by a county board or county commission. Legislation of **this** type is usually called an ordinance rather than a statute.

To be valid, the statute or ordinance must not conflict with the federal Constitution or state constitution.

### 3. **Administrative Law**

The federal, state, and local legislatures all create administrative agencies.

Although they are created by legislatures, administrative agencies are usually operated by the executive branch of the government. Thus, the President, governor, or mayor will supervise the agency's activities. For example, the United States Congress created the Internal Revenue Service (an agency) and directed that the President appoint and supervise the staff of the agency.

The *rules and regulations* established by an administrative agency generally have the force of law. Like statutes, the regulations can be reviewed by courts to determine whether they are constitutional. In addition, the courts may *invalidate* a rule or regulation if it is beyond the scope of powers delegated by the legislature.

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## 4. Case Law

Case law is created by the judicial branches of governments. Each state creates case law through its state courts. Similarly, federal courts establish federal case law. Case law is usually made after a trial has concluded and one of the parties has appealed the case. This may result in a review of parts of the trial by a higher court — a process called *appellate review*. When the appellate court publishes its opinion on a case, that opinion may state, and thereby create, new case law.

The effectiveness of case law arises out of the doctrine of *stare decisis* (Latin for «to abide by, or adhere to decided cases»). This doctrine requires that once case law is established, it must be followed by lower courts in other similar cases. *Stare decisis* generally does not strictly bind appellate courts because they can overturn their own case law when justified by new conditions or better understanding of the issues.

While courts are the final authority on the interpretation of constitutions and the constitutionality of statutes, rules, and ordinances, they are not the final authority on the content and meaning of such legislation. Legislative bodies can, in effect, nullify a court decision interpreting its statute, ordinance, or rule by abolishing or rewriting the statute or amending the constitution.

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