

The body of law in the United States consists of both fundamental law and statutory law.

Fundamental Law

Laws that are specifically outlined in the U.S. Constitution and in state constitutions.

Statutory Law

Laws enacted by legislative bodies including the U.S. Congress, state legislatures, local legislative bodies, and the people through voter initiatives and referendums.

The fundamental laws of the U.S. Constitution are changed through the formal amendment process, through passage of statutory laws, as well as through informal methods outlined here and on the next page.

Informal Methods of Amending the Constitution

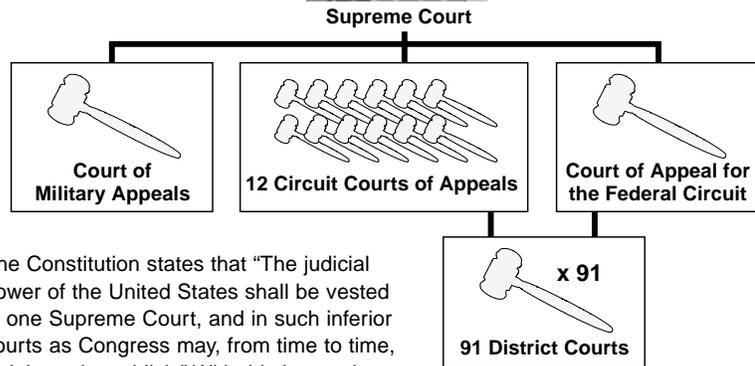
CHARACTERISTICS

EXAMPLES & ILLUSTRATIONS

Congressional Legislation

Purposeful Flexibility

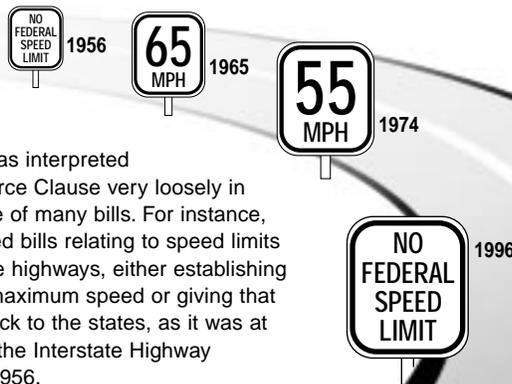
The writers of the Constitution purposely left the framework of the government flexible to allow for changing times. Congress has added details to the framework in the form of new legislation. In other words, Congress has elaborated on the fundamental laws of the Constitution.



The Constitution states that “The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish.” With this instruction, Congress has established 12 Circuit Courts of Appeals, 91 Federal District Courts in the U.S., as well as numerous other courts for specialized matters such as military affairs.

Congressional Interpretation

Congress has also assumed the role of determining the intent of the framers by passing thousands of statutes. In doing so, Congress is interpreting the fundamental laws of the Constitution.



Congress has interpreted the Commerce Clause very loosely in the passage of many bills. For instance, it has passed bills relating to speed limits on interstate highways, either establishing a national maximum speed or giving that authority back to the states, as it was at the start of the Interstate Highway System in 1956.

