



Weekly Information Sheet 01

General Legal Principles -

The simple **DEFINITION** of the concept of **LAW** is:

Rules by which civilization is ordered.

The simple **DEFINITION** of the concept of **RIGHTS** is:

The legally recognized ability to exercise power and control over an action or object.

Types and Priority of Law

- The three basic types of law are **Constitutions, Statutes and Case Law.**
- The priority or ranking of law is as follows:
 - 1. Constitution;**
 - 2. Statute;**
 - 3. Regulation;**
 - 4. Executive Order or Policy.**
- It should be noted that Case Law (Common Law) is not ranked or given a priority order because its purpose is merely to decide a case in controversy or interpret or explain a constitution, statute, regulation or executive order.
- The Constitution (both federal and state) are the supreme law, and no other law within the federal or state systems can outrank them.
- Other than the Constitution, no other law can ever outrank a statute.
- A statute is a law enacted by Congress (federal) or the legislature (state).

Freedom is the Fundamental Pillar of American Law

- *Freedom derives from the **fundamental respect for the individual.***
- *In order to secure our Freedom, the law protects our rights.*
- *These are **individual rights**, not community or collective rights.*
- *Freedom can be a scary thing. For is not the power to do what everyone thinks is a good idea, but rather what some think is a bad one.*

American Constitutional Government

- American Government is based upon the representative, republican model (where people are elected to represent the voters).
- The purpose of government in that system is to protect the rights of individual people, and the **sovereignty of the government is vested in the people themselves.**

American Constitutional Government Continued

- Both the States and the Federal Government are founded upon written constitutions. The first governments in human history to do so.
- When these constitutions were first drafted, they all followed the Adams framework, in his **“Thoughts on Government”** Essay.
- Under this Adams framework, all these governments contain three
 - separate, ○ independent, ○ competing and ○ co-equal branches,that would provide checks and balances, against the powers of each other.
- That is why, to this day, all the early state governments have a common structure.
- The federal government, which was modeled after these states, thus also has a similar structure.
- The states added after the US Constitution was adopted, then also followed this structure.

Court System:

- The Court System is structured as follows:
 - The highest court in the United States is the **United States Supreme Court**.
 - The mid level appellate court is the **Circuit Court of Appeals**.
 - The federal trial level court is the **United States District Court**.
 - The highest court in the State of New York is the **Court of Appeals**.
 - The mid level appellate court is the **Appellate Division**.
 - The state trial level court is **the Supreme Court**.

Founders and Property Rights

- The founders maintained a clear grasp of the connection between liberty, freedom and property rights.
- They understood that it is **the pursuit of property** that **is the catalyst of freedom**, and that a person’s unfettered ability to freely exercise their property rights, is the gateway of liberty.
- Throughout the Declaration of Independence, the Constitution and the Bill of Rights, the pursuit of property, and a person’s ability to freely exercise their property rights, is deemed sacrosanct.
- Property rights are thereby a foundational pillar upon which American government is built.

Law of Property

Because it developed from the Common Law, most law of Property is:

State Law