

# When state and federal laws conflict Why does federal law supersede state law

## Answer:

The Supremacy Clause (Article VI, Clause 2) of the United States Constitution declares that federal laws are the "supreme Law of the Land." Hence, state court laws are inferior so long as the federal law is valid (constitutional).

Given the split jurisdiction between federal and state sovereignty set up by the Constitution, one major point of contention is the 'in pursuance thereof' phrase in the Supremacy Clause. This means that it is not always possible to make a federal law in certain areas - that is, certain areas of law are reserved solely for the states to regulate, and any federal law in that area is unconstitutional. Defining this split of exclusive jurisdiction is the job of the Judicial Branch via interpretation of the Constitution, and has changed over time. In any case, the Constitution itself retains supremacy, so even if federal law is forbidden in certain areas, the Constitution itself always is supreme over any state law.

## Example of federal law supremacy

An instance that comes to mind right away is when State laws violate a person's federally enforced rights. Since the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, states are not allowed to have laws that discriminate based on race and certain other factors, even through many of the additional voter eligibility rules can be set by states. Thus, states are forbidden to set voter eligibility based on race, gender, or age (18 is mandated), but, they can set it based on prior criminal record, mental health, etc, up until the federal government passes a law on those subjects, at which point, the federal law takes precedence.

## Example of state law supremacy

An instance of this latter case (where there is no federal jurisdiction, but states cannot pass un-Constitutional laws) is the content of Education. Educational curriculum is set by the states - while the Federal government can provide funding if certain other criteria are met, the final say on what curriculum a child is taught is up to the states. However, no state law can violate the Constitution - thus, a state cannot mandate the teaching of a religion in its schools, since that would clearly violate the 1st Amendment to the Constitution.

# Federal laws and state laws?

## Answer:

Federal laws are the Supreme laws of the land. If there is a conflict between the two, Federal law prevails. State laws may be in addition to Federal laws, such as for some crimes a person may be liable to punishment under both Federal and state laws, and punishing a person under both does not violate the "double jeopardy" provisions of the US Constitution.

# Is the federal law the state law?

## Answer:

Not quite... federal law is federal law and is in addition to state law, except where there is a state and federal law that are virtually identical, in which case the federal law may "supersede" the state law -- this is the constitutional principle of federal "supremacy". On the other hand yes federal law applies in every state, but remains federal law. And do local law enforcement officials have the right to arrest and ticket you for violation of certain federal laws, yes.

# If a state law conflicts with a federal law which law will prevail?

## Answer:

State Law represents a state. Federal Law is central government and represents the union. (All states) The Constitution is the highest form of law in the USA, and federal law enforces the constitution. Therefore, Federal Law would prevail at anytime against any state laws. It's like a regular Criminal Court going up against The Supreme Court.

# Federal law or state law which is higher?

## Answer:

It can depend. One might say that Federal Law is supreme because it is applicable in all 50 states and all territories of the US. Whereas, state law is applicable only within the borders of that particular state. However, while federal and state law sometimes overlap one another ((i.e.: Bank robbery or interstate auto theft, etc) federal laws do not, and were not, meant to cover all eventualities of every possible state ordinance.

# Is littering a state law or a federal law?

## Answer:

Actually, you're not supposed to litter. Law pertaining to littering are usually local ordinances. There are no federal regulations about littering aimed at individuals (although there are some aimed at factories and other corporations.)

**And littering in a National Park is a Federal offense!**