

Business law case court study



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Name: Instructor: Course: Date: Critical Legal Thinking Cases 4. 1 The Establishment Clause McCreary and Pulaski counties in Kentucky were sued by the American Civil Liberties Union of Kentucky (ACLU), who alleged that their display of paintings of the Ten Commandments on their walls were a breach of the Establishment Clause of the Constitution. The argument in this case was that the clause prohibited the courthouses of both McCreary and Pulaski Counties from displaying the Ten Commandments. The constitutional Clause prohibits the U. S.

government and any of its arms thereof from endorsing a particular religion or promoting one religion against another. McCreary and Pulaski Counties were therefore found to have violated this clause by displaying the Ten Commandments in their courthouses. The following points are vital to arriving into a sober conclusion of the above case. First, we must note that the clause prohibits the government and therefore any government office from actions that may be seen as endorsing a particular religion. Second, the Ten Commandments are a religious article predominantly used by Jews and Christians. Thirdly, there are a host of many other religions in the United States other than Judaism and Christianity who do approve and others who do not approve of the use of the Ten Commandments.

Such a display in the premises of the courthouses constitutes a violation of the Establishment Clause. It is crucial to acknowledge the fact that the Ten Commandments are religious articles predominantly used by the Christian and Jewish religions. They are therefore articles identified with some particular religion.

A display of the articles violates the clause especially bearing in mind the fact that America's religious diversity is robust. There are many other religions other than the two. The county courthouses therefore, in displaying the Ten Commandments, were acting in favor of some religions against others and thus had violated the clause.

4. 2 The Supremacy Clause

The Engine Manufacturers Association sued the South Coast Air Quality Management District, on grounds that the new fleet rules they were enforcing were preempted by the federal Clean Air Act. The supremacy clause of the constitution of the United States, explicitly states that the constitution, federal treaties, laws and regulations are supreme.

State laws are not supposed to go against federal laws. The association sought legal redress on the matter because they perceived the fleet rules to be more stringent than the federal clean air act. The plaintiff claimed that the six fleet rules that restricted the purchase of vehicles to only those that met certain emission standards had been preempted by section 209(a) of the Clean Air Act(CAA). This section of the CAA required that state law should not adopt or promulgate any emission standard of engines and vehicles subject to the Act. The defendant, on the other hand, reiterated that section 209(a) did not preempt standards governing the purchase of vehicles but rather the production of engines and vehicles.

It is critical to establish if the south coast's fleet rules are preempted by the federal Clean Act. To answer this critical question it is crucial to analyze the underlying issues of the cases put down by the two parties. The fact that the rules were stringent as the association put it, does not cause preemption. The fleet rules were not preempted by the Clean Air Act but rather were just

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means of enforcement of the standards outlined by the Act. The fleet rules were only enforced on those who purchased vehicles in the Los Angeles, California, Metropolitan area and not on the manufacturers of such vehicles. The fleet rules were not in any way a violation of the supremacy act because they only governed purchases and not sales in their area of jurisdiction.