

# Sources of Law



Teacher Traffic Safety Academy 2021



## Sources of Law Lesson Plan

### Learning Objective: Students will...

1. Identify the branches of the federal, state, and local government.
2. Analyze the sources of laws from each branch of government.
3. Evaluate the impact laws make on society.

**TEKS:** 7th Grade Texas History 13A&B, 14A, 8th Grade U.S. History 19C, U.S. Government 7A-E & H, 8B, 13B, CTE Principles of Government and Public Administration 11A-D, G-H

**Materials Needed:** Sources of Law Google Slide Presentation, Copies of Student Notes Handout (Digital or Paper), Internet Access

**Vocabulary:** statute, case law, ordinance, regulation, executive order, agency, precedent, constitution, codified, bureaucracy, stare decisis

**Estimated Time:** 45-60 minutes

### Teaching Instructions:

**Slide 1: Warm-Up Activity Slide:** Open the Sources of Law Google Slides Presentation. Ask students to complete a ridiculous activity of some sort (i.e. stand on top of their chair to stretch and express how much they love your class, go outside and do 10 jumping jacks, or take a lap around the room, etc.). After students complete the simple activity, direct them to complete the *Warm-Up question on the Student Notes Handout*.

The form asks 2 questions:  
Did you complete the directive?  
Why or why not?

Answers will vary, but might mention things like: “because you said to, it sounded fun, I wanted a break from class anyway, I didn’t want to be the only one that didn’t do it,” etc. Or maybe they didn’t complete it because they were lazy, didn’t feel like it, and so on.





**Slide 2-4: Explain that laws teach us how to behave.** Often if an authority figure asks us to comply with a directive, we usually will for various reasons (we respect the authority asking, we don't want to be seen as a troublemaker, we tend to follow along with what others do, it's in our best interest, etc.).

Point out that if the "ask" was too burdensome (if you had been asked to run a mile, write a 17 page essay on how much you love this class, etc.) the chances of compliance drop dramatically. When laws negatively impact members of society, you might see the compliance of that law come into question.

**Slide 4-5: The focus of these slides is to get students to think about items that are pretty accepted in society** (the idea that GREEN means GO, and RED means STOP), but the real question is, why? Why doesn't PURPLE mean stop? The reality is that someone from long ago realized there was a need to create order and dictated that those would be the colors used for traffic safety. Today, we don't even question it, or think that it's a "law." If we start to notice a law from a while ago that is enforcing a belief we disagree with now, we might start to question it through protests, court cases, or encouraging the passage of a new law (i.e. school desegregation, Jim Crow Laws, equality in the workforce, ideas of marriage, etc.)

**Continue through the presentation slides as the students follow along on their Student Notes Handout. They will begin filling in the notes on Slide 11. Slides 16, 22, 29, & 31 include links to video clips.**

**Slides 37-39: This section allows the class to apply what they have learned together to some specific examples.** The examples are also on their Student Notes Handout.

**Slides 40-43: This section allows the class to discuss and apply what they have learned to an example from the Covid pandemic.**

**Slide 44: Direct students to answer the Closure Questions on their Student Notes Handout.**

**Possible Extension Activity:** Use the closure questions on the student handout as topics for small group discussion or a Socratic Seminar style discussion in class.



## Sources of Law Slide Presentation

### Today's Warm-Up:

- Run Outside
- Do 10 Jumping Jacks
- Then complete the warm up question

Did you complete  
the activity?

Why or why not?



# So where do **LAWS** come from?

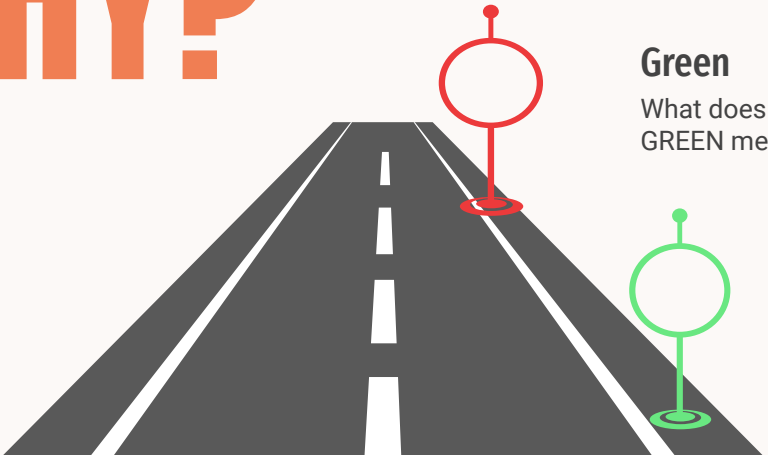
Why do we have them?  
What is their purpose?



# WHY?

**Red**  
What does the color RED mean?

**Green**  
What does the color GREEN mean?

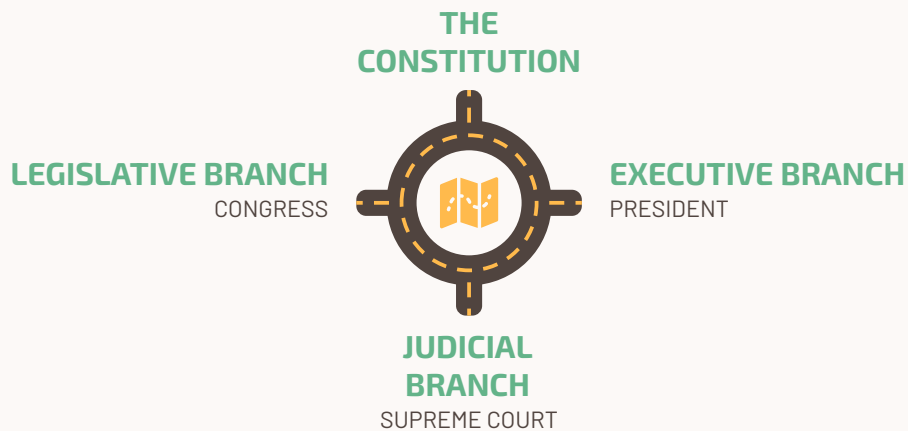








## Review of the Federal Government: Laws come from these familiar places:



### BUT WAIT!

I thought only the Legislature **ACTUALLY**  
**MAKES** the laws, and the President  
makes some policies, and that the  
Supreme Court just makes...  
well...decisions.

HOW DO THEY ALL "MAKE LAW???"



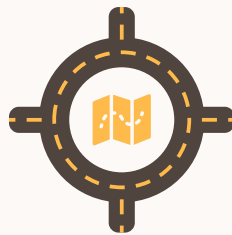


## SPOILER ALERT!!!!

"Laws" come from each branch!

THE  
CONSTITUTION

LEGISLATIVE BRANCH  
CONGRESS



EXECUTIVE BRANCH  
PRESIDENT

JUDICIAL  
BRANCH  
SUPREME COURT



The truth is, ALL 3  
BRANCHES take  
actions that have the  
EFFECT OF LAW.

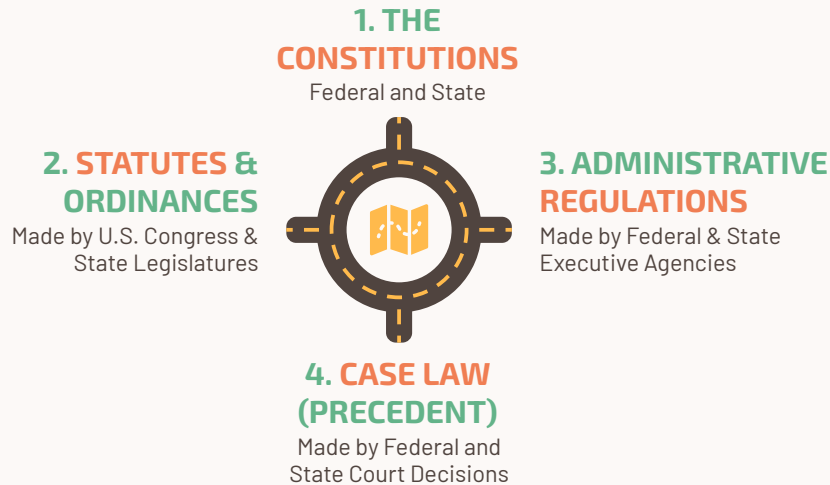
Whether it's a law passed by Congress or a Supreme Court decision or a regulation passed by an Agency in the Executive Branch... each of these things has the EFFECT OF LAW on our lives.







## Let's look at each of the 4 MAIN SOURCES OF LAW, more specifically:



## The Constitutions

The U.S. Constitution is the “**Supreme** Law of the Land,” and is therefore **above** every other type of law.

All other laws must **conform** to the Constitution.

*The courts have the power of Judicial Review and can strike down laws that are deemed unconstitutional.*

Each **state** also has a constitution that closely mirrors the structure of the U.S. Constitution.

## Compare The U.S. & Texas Constitutions. What differences do you notice?

U.S. Constitution	Texas Constitution
<ol style="list-style-type: none"> <li>1. <a href="#">Legislative Branch</a></li> <li>2. <a href="#">Executive Branch</a></li> <li>3. <a href="#">Judicial Branch</a></li> <li>4. <a href="#">Interstate Relations</a></li> <li>5. <a href="#">Amending</a></li> <li>6. <a href="#">Misc. Provisions</a></li> <li>7. <a href="#">Ratification</a></li> </ol> <ul style="list-style-type: none"> <li>• <b>Amendments</b></li> <li>• <a href="#">Bill Of Rights (1-10)</a></li> <li>• <a href="#">Other amendments</a></li> </ul>	<ol style="list-style-type: none"> <li>1. <a href="#">Bill of Rights</a></li> <li>2. <a href="#">The Powers of Government</a></li> <li>3. <a href="#">Legislative Department</a></li> <li>4. <a href="#">Executive Department</a></li> <li>5. <a href="#">Judicial Department</a></li> <li>6. <a href="#">Suffrage</a></li> <li>7. <a href="#">Education</a></li> <li>8. <a href="#">Taxation and Revenue</a></li> <li>9. <a href="#">Counties</a></li> <li>10. <a href="#">Railroads</a></li> <li>11. <a href="#">Municipal Corporations</a></li> <li>12. <a href="#">Private Corporations</a></li> <li>13. <b>Spanish and Mexican Land Titles (repealed Aug 5, 1969)</b></li> <li>14. <a href="#">Public Lands and Land Office</a></li> <li>15. <a href="#">Impeachment</a></li> <li>16. <a href="#">General Provisions</a></li> <li>17. <a href="#">Mode of Amending the Constitution</a></li> </ol>

Interactive chart by [University of Texas and Texas Legislature National Archives](#)

## Statutory Law

**Statute:** an act of law passed by the legislature (to proscribe conduct, define crimes, create government bodies, appropriate money, etc).

Statutes are **codified** (written & numbered)

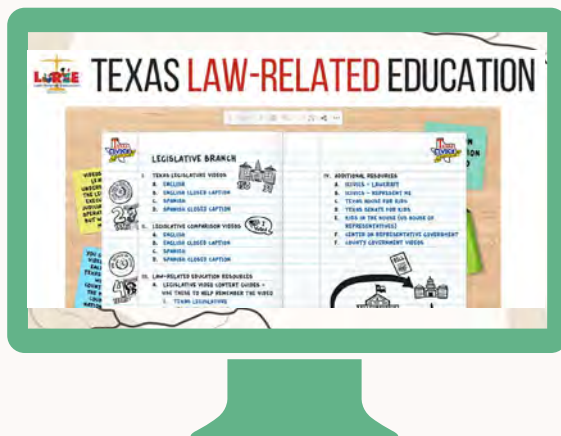
For example **21 U.S.C. Ch 13** is

**The Controlled Substances Act**

## Statutory Law

The U.S. Congress and the Texas Legislature both pass statutory laws. U.S. statutes apply to the whole country whereas Texas statutes only apply to Texas.

Laws passed by local governments (such as the City Council) are called **Ordinances**.



For a quick recap on the state, federal, and local legislative branches, watch this quick review:



**Supremacy of Statutory Laws:** [The US Constitution is over everything!] - Then Federal Law, State Law, City Ordinances

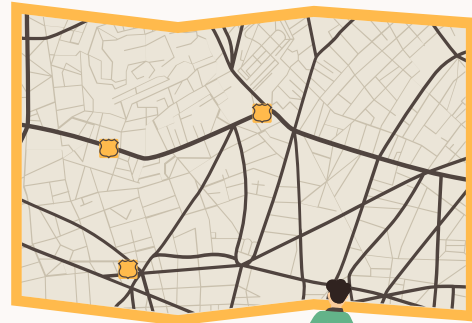


Houston City Hall



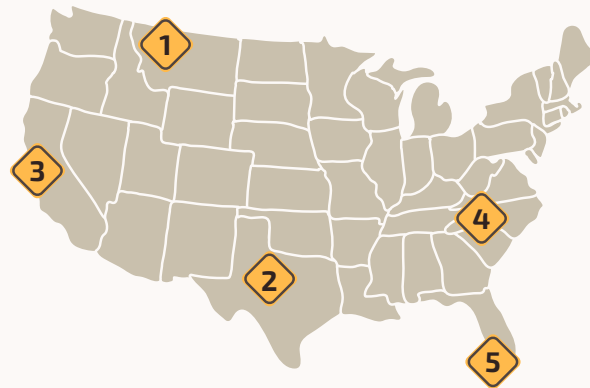
## What happens when the state and federal laws are in conflict?

Typically, the federal law will prevail, but sometimes it's not so simple...



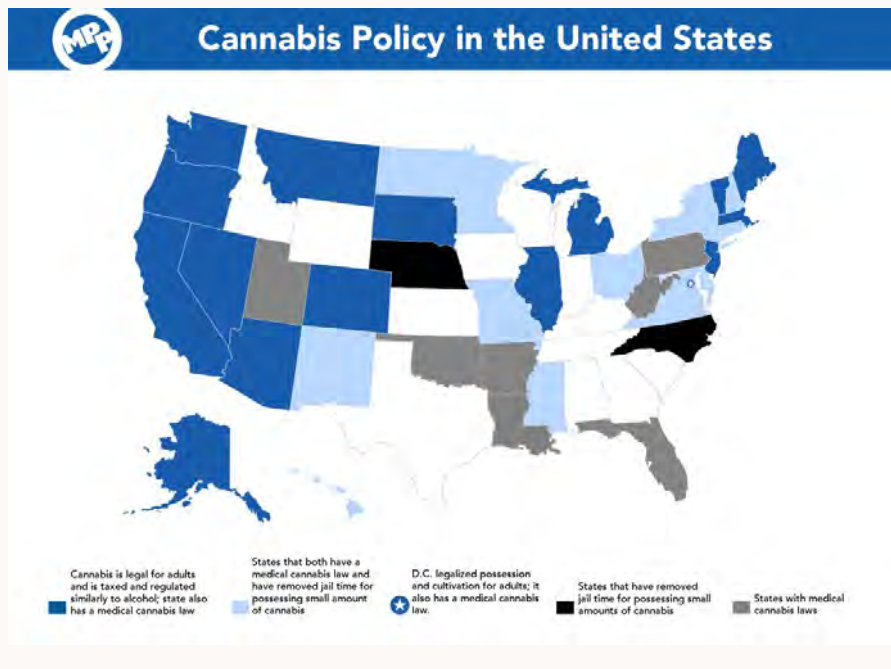
**For Example:**  
Title 21 U.S.C. (United States Code) Ch. 13, The Controlled Substances Act, states that Marijuana is a "Schedule I" **illegal** drug. This is an example of a **FEDERAL STATUTE**, and yet...States have been doing their own thing.

- 1 Legal
- 2 NOT Legal
- 3 Legal
- 4 NOT Legal but No Jail Time for Small Amounts
- 5 Medical Cannabis Laws





**DISCUSS:**  
Looking across  
the country, how  
do you think the  
varying laws  
affect federal and  
state law  
enforcement  
agencies?



## A traffic stop with 91 pounds of marijuana?

An enforcement nightmare





## Administrative Regulations

**Administrative Agencies** are typically created by legislation to direct and manage complex governmental tasks and implement legislative acts.

Article I, Section 8, Clause 18 of the U.S. Constitution gives the U.S. Congress the power "...to make all Laws which shall be **necessary and proper** for carrying into Execution the foregoing Powers..."

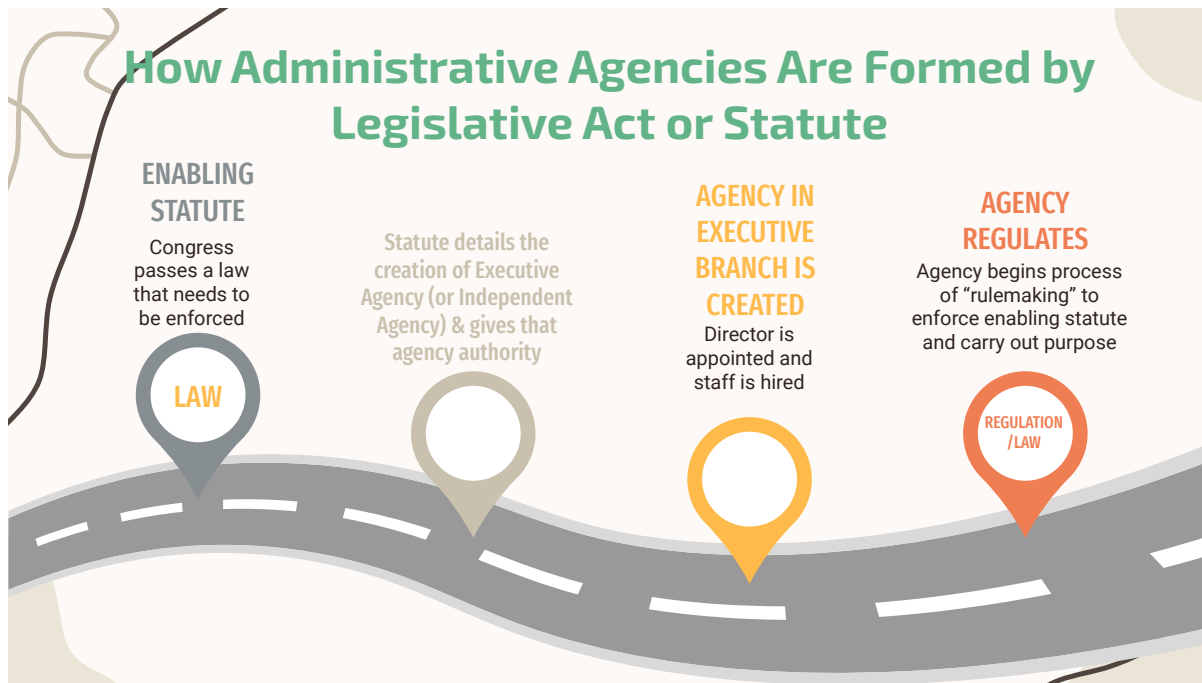
## Administrative Regulations

Even though these agencies are created by Congress, they are part of the **EXECUTIVE BRANCH**.

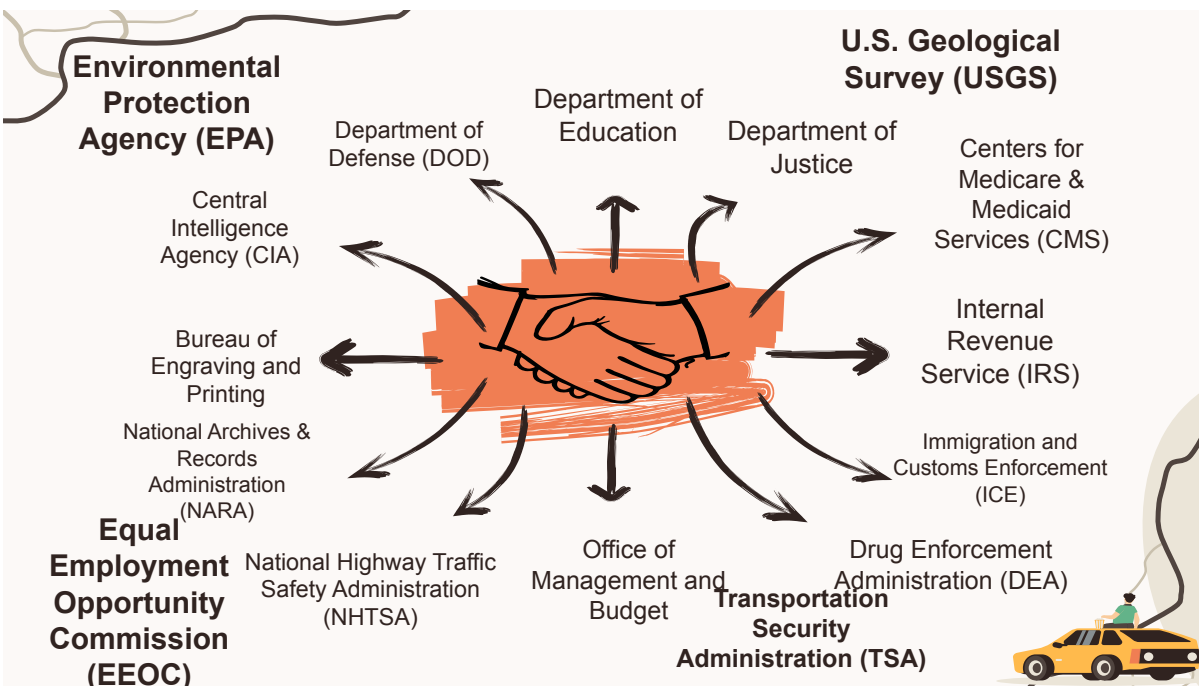
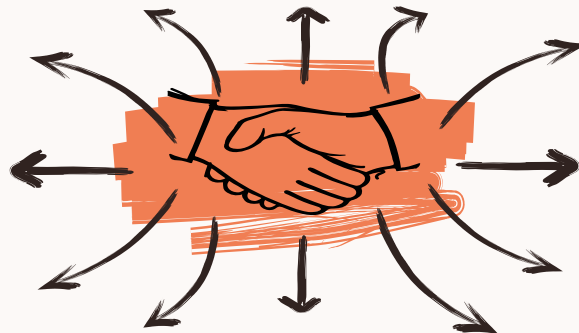
These agencies may also be referred to as:

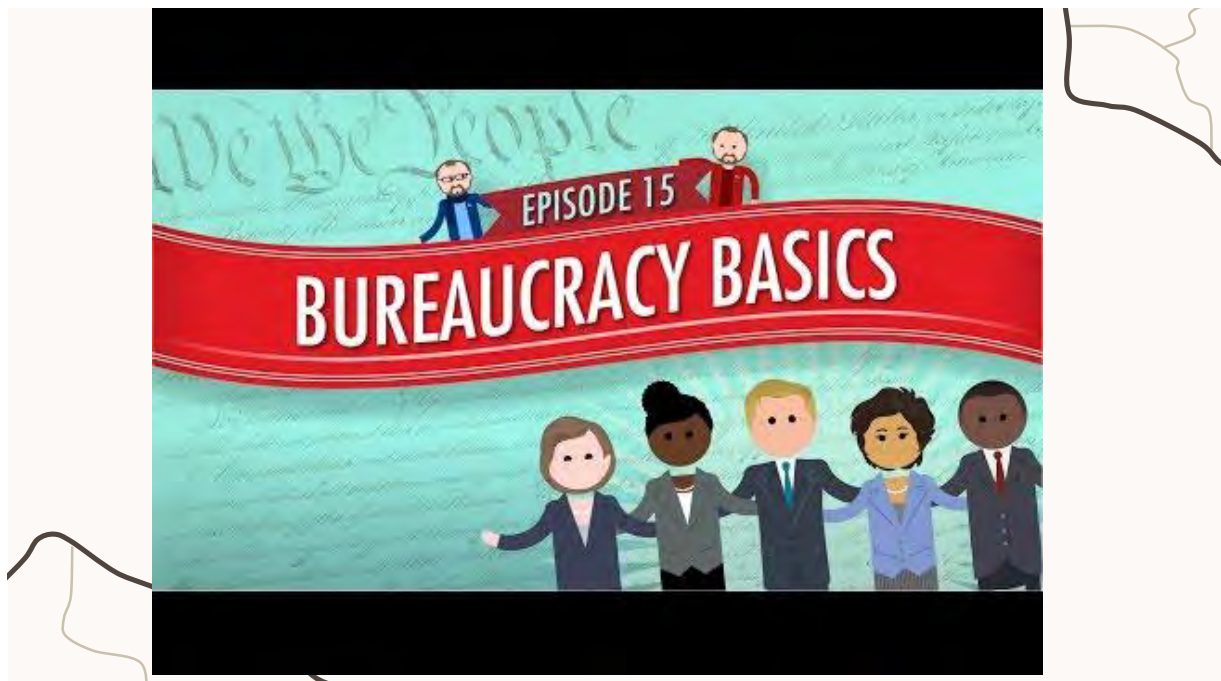
- Departments
- Regulatory Agencies
- Administrations
- Commissions
- Bureaus

*This collection of administrative agencies in the Executive Branch is sometimes called "**The Federal Bureaucracy**"*



**Brainstorm!**  
**HINT: Many start with "Department of..."**





## Executive Orders:

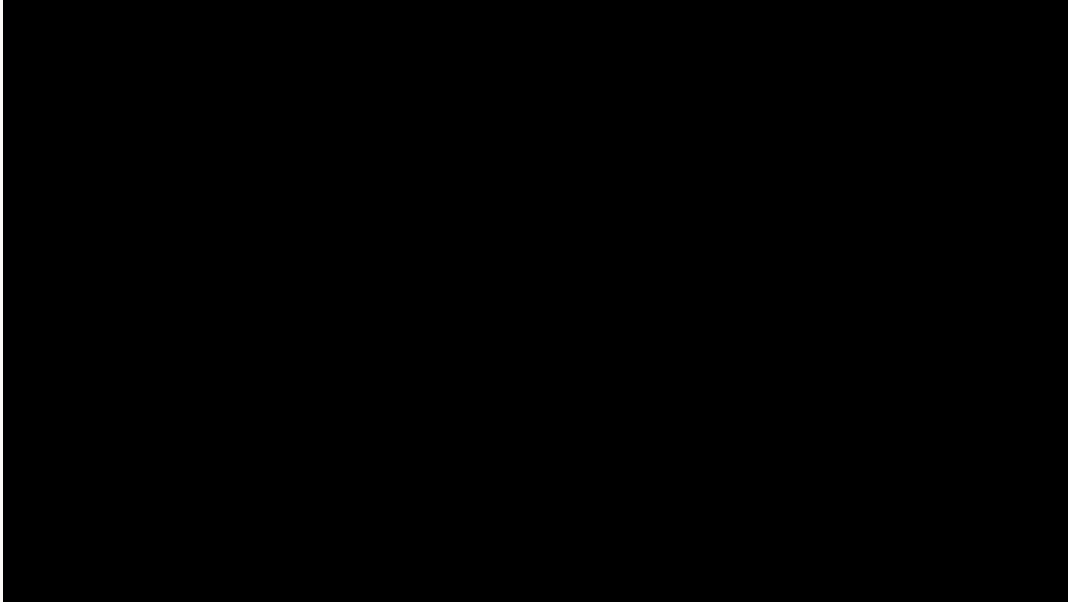
You've probably heard of them.

**A.K.A. the other way**  
the Executive Branch  
can make laws





<https://youtu.be/JUDSeb2zHQ>



## Note:

Like Regulations, Executive Orders are published in the **Federal Register** (published daily) and become part of the *Code of Federal Regulations* (published annually).





DON'T GIVE UP! WE'RE ALMOST DONE!  
Just **ONE MORE** SOURCE OF LAW LEFT  
to rule our sad, little lives.



**JUST KIDDING!**

About the  
"almost done"  
part."





## Case Law



Established through judicial decisions that create **precedents**

**Stare Decisis:** Latin for “to stand by things decided”

Provides predictability and consistency so that people may plan their lives accordingly

## Case Law - Two Examples



**Miranda v. Arizona** established the “Miranda Warnings” in 1966

**Obergefell v. Hodges** protected same-sex marriage (nationwide) in 2015

Can you name any other landmark cases?



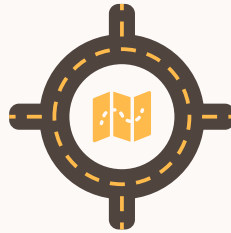
## Remember our 4 MAIN SOURCES OF LAW? Let's apply them to an everyday example!

### 1. THE CONSTITUTIONS

Federal and State

### 2. STATUTES & ORDINANCES

Made by U.S. Congress & State Legislatures



### 3. ADMINISTRATIVE REGULATIONS

Made by Federal & State Executive Agencies

### 4. CASE LAW (PRECEDENT)

Made by Federal and State Court Decisions

## What is the Source of law for each example?

### SOURCES OF LAW:

1. The U.S. Constitution
2. Federal Statute
3. Administrative Regulation
4. Case Law

- The National Highway Traffic Safety Administration establishes safety standards for motor vehicles.
- Article I, Section 8 gives Congress the power to make all laws that are "necessary and proper..."
- States are allowed to require seat-belt usage after court decisions establish that states have a reasonable "public health" interest.
- Congress passes a law in 1966 to create a Department of Transportation to research, develop, and administer national transportation policy.



## What is the Source of law for each example?

### SOURCES OF LAW:

1. The U.S. Constitution
2. Federal Statute
3. Administrative Regulation
4. Case Law

3. The National Highway Traffic Safety Administration establishes safety standards for motor vehicles.

1. Article I, Section 8 gives Congress the power to make all laws that are "necessary and proper..."

4. States are allowed to require seat-belt usage after court decisions establish that states have a reasonable "public health" interest.

2. Congress passes a law in 1966 to create a Department of Transportation to research, develop, and administer national transportation policy.

Complete the closure questions on your student notes handout about how laws affect each of the following:

### TRAFFIC SAFETY

Fewer people are on the roads, so why are fatalities rising?

ARE

YOU

SERIOUS?

### DRUG ENFORCEMENT

How will federalism respond to marijuana?

### COVID-19 ISSUES

Who is in charge here and what's next?

NOTE: These last 4 slides might only be used for the presentation with teachers (for discussion...not for students).

## LAWS in the time of COVID

### Rapidly-Change

Executive Orders  
County Emergency Orders  
Can get confusing if we don't understand how things work

### Misinformation on social media

Not the best place for information!  
See example

### Foundation of Understanding

Government must be able to expand and contract in response to needs  
Citizens need to know more about how that process works



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March 18, 2020 · 9  
REPOST from a constitutional lawyer:

You do NOT have to stay home.  
You do NOT have to close your business.  
You are NOT restricted in your travels.  
You are NOT banned from religious assembly.  
These are NOT laws, as a law must be passed by your state legislature. And, of course, this has not happened in any of our 50 states.

These following orders are UNLAWFUL "orders":  
Stay at home,  
Close your business,  
Don't go to church,  
Practice social distancing,  
Wear a mask,  
No interstate travel etc, etc.

These are NOT laws that can carry any kind of criminal penalty for violation. They are at best ONLY guidelines or "suggestions". These "orders" carry NO legitimate force of law with which to back them up.

NO governor nor mayor may craft a law and assign a punishment for its non-compliance. And, even if one of them try to do so, such orders or actions would then be profoundly unconstitutional and a solid basis for compensation to "anyone affected" by them.

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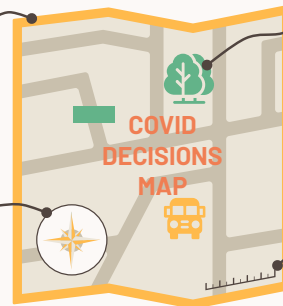
NOTE: These last 4 slides might only be used for the presentation with teachers (for discussion...not for students).

## That doesn't mean our local, state, and federal governments always agree!

### Spring 2021 Example:

**AUSTIN MAYOR**  
Wants people to keep the masks on in public

**GOVERNOR ABBOTT**  
Executive Order GA-34:  
"no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering."



**FEDERAL**  
CDC generally recommends masks, no federal mandate in place

**TRAVIS COUNTY JUDGE**  
Said the Mayor can keep the mask requirement while this case is under review...outcome pending



# THANKS!

Do you have any questions?

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# Sources of Law

## Student Notes Handout

Student Name: \_\_\_\_\_



**Warm-up:** Did you complete your teacher's warm-up instructions (even if they were a little weird)? **YES or NO (circle one)** OK, why or why not?

### A Review of the Structure of Government:

**THE CONSTITUTION**  
is over everything!

**LEGISLATIVE BRANCH**  
CONGRESS



**EXECUTIVE BRANCH**  
PRESIDENT

**JUDICIAL  
BRANCH**  
SUPREME COURT

Notice the 4 MAIN SOURCES of LAW Also Happen To Be:

**1. THE**

Federal and State

**2. \_\_\_\_\_ &  
ORDINANCES**

Made by U.S. Congress &  
State Legislatures



**3. ADMINISTRATIVE**

Made by Federal & State  
Executive Agencies

**4. \_\_\_\_\_  
(PRECEDENT)**

Made by Federal and  
State Court Decisions



Answer each of the questions as we go through the lesson:

1. The **U.S. Constitution** is the “\_\_\_\_\_ Law of the Land.”
2. All other laws must \_\_\_\_\_ to the Constitution.
3. Each \_\_\_\_\_ also has a constitution that closely mirrors the structure of the U.S. Constitution.
4. Name one difference between the [U.S. Constitution and the Texas Constitution](#):

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5. Define STATUTE:

6. What is 21 U.S.C. (U.S. Code) Ch. 13?

7. What are ORDINANCES?

8. Rank the following types of **statutory laws** with a 1, 2 and 3 (giving a 1 to the law that affects the greatest number of people and a 3 to the law that affects the least number of people):

\_\_\_\_\_ City Ordinance  
\_\_\_\_\_ Federal Law  
\_\_\_\_\_ State Law

9. At present, are the marijuana laws in Texas in line with the federal statute? **YES OR NO (CIRCLE ONE)**



**DISCUSS:** Looking across the country, how do you think the varying laws affect federal and state law enforcement agencies?

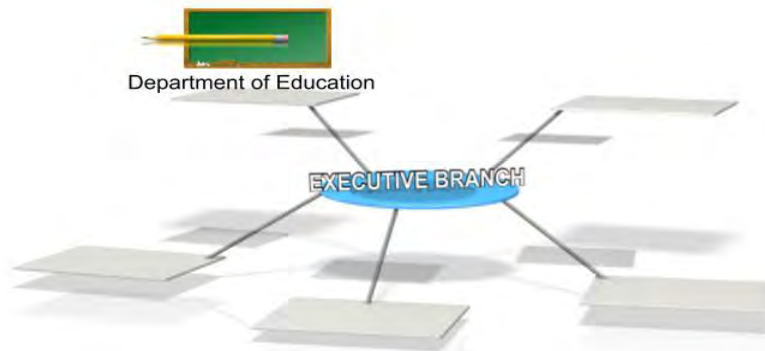
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10. Even though Administrative Agencies are created by Congress, they are part of the \_\_\_\_\_ Branch.



11. The collection of administrative agencies in the executive branch is sometimes referred to as the \_\_\_\_\_.

12. Brainstorm as many Agencies, Departments, Bureaus, etc. that you can think of that are part of the Federal Bureaucracy:



### Bureaucracy Basics Video:

Bureaucracies serve a number of important functions, such as:

1. \_\_\_\_\_ the laws that Congress writes.
2. Make & enforce their own \_\_\_\_\_.
3. Settle disputes through administrative adjudication.

Bureaucracies raise several issues, such as:

- The federal bureaucracy is part of the executive branch, but it is so big that it can \_\_\_\_\_ the other branches of government.
- Bureaucracies make new rules called, \_\_\_\_\_, that have the effect of law.
- Many upper level bureaucratic leaders (especially cabinet secretaries and also ambassadors) are very \_\_\_\_\_.
- One advantage of bureaucracy is a certain amount of stability and a built up \_\_\_\_\_ that comes with it.

Is the DMV (Department of Motor Vehicles) a **STATE OR FEDERAL (CIRCLE ONE)** bureaucracy?

13. Where can you [find published](#) Executive Orders and proposed rules and regulations that may be open for public comment?





14. Case Law is established through court cases. These judicial decisions set a \_\_\_\_\_.

15. Why is it important for courts to be relatively predictable and consistent?

**For each example, list the source of law (#) that is being applied:**

**SOURCES OF LAW:**

1. The U.S. Constitution
2. Federal Statute
3. Administrative Regulation
4. Case Law

**EXAMPLES:**

\_\_\_\_\_The National Highway Traffic Safety Administration establishes safety standards for motor vehicles.

\_\_\_\_\_Article I, Section 8 gives Congress the power to make all laws that are “necessary and proper...”

\_\_\_\_\_States are allowed to require seat-belt usage after court decisions establish that states have a reasonable “public health” interest.

\_\_\_\_\_Congress passed a law in 1966 to create a Department of Transportation to research, develop, and administer national transportation policy.

**CLOSURE QUESTIONS:**

16. Statistics show that speeding-related fatalities are on the rise in Texas, leading some to question whether the 85 mile per hour speed limit on some highways is too high. Who, specifically, in the legislative and executive branches of the Texas government could citizens contact with these concerns? Be sure to include at least one agency or department.





17. Do you think there should be federal legislation regarding distracted driving? Why or why not?

18. The federal and state marijuana laws differ greatly. What are some ways that this issue might get resolved through the three branches of government?

19. The federal, state, and local governments have been very challenged in responding to the COVID pandemic. What is one thing that could have been done better? Be specific about which branch of government and which level of government you are talking about.

20. If you were President and could make one Executive Order, what would it be?



