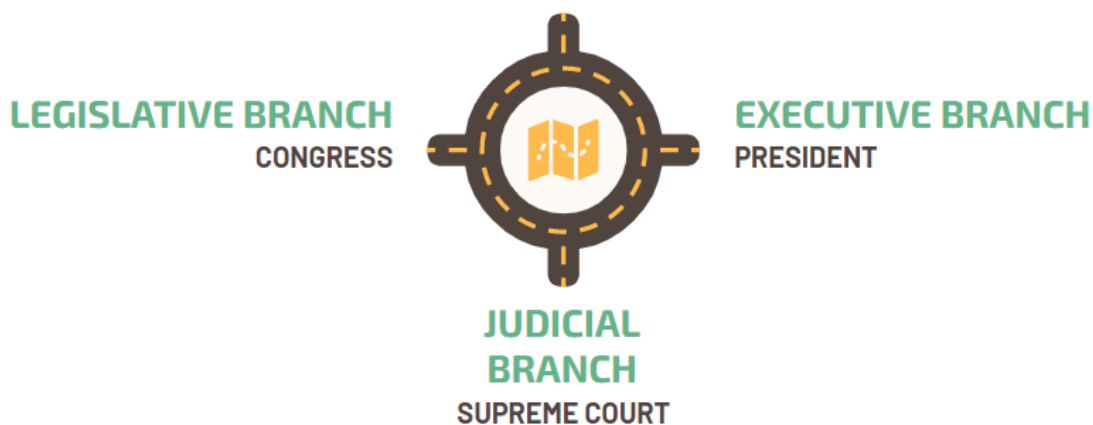Student Name:

Sources of Law – Student Notes Handout

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:
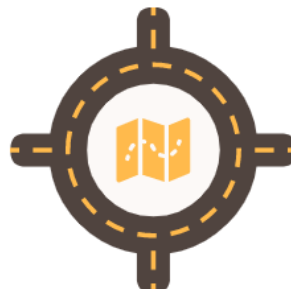
1. THE
_____
Federal and State

**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:

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

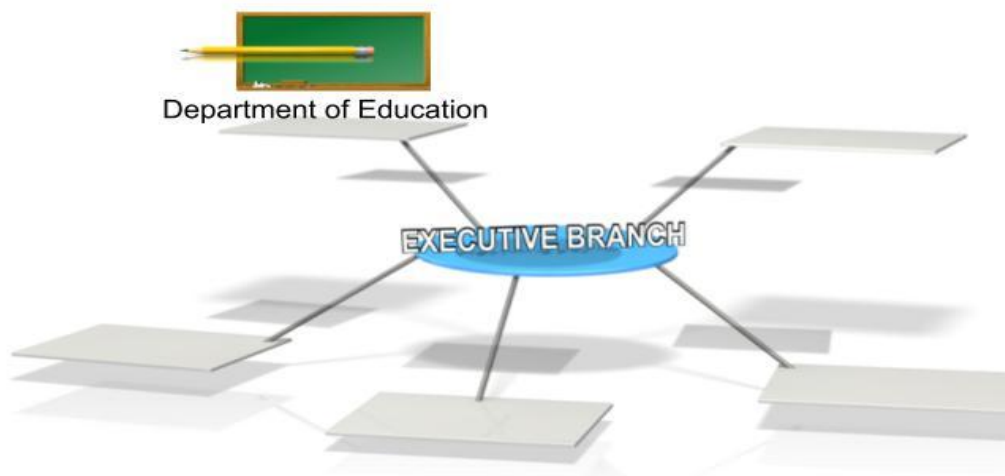9. At present, are the marijuana laws in Texas in line with the federal statute? YES OR NO (CIRCLE ONE)

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

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?