



**FLORIDA JOINT CENTER
FOR CITIZENSHIP**

SOURCES AND TYPES OF LAW

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

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Lesson Summary

Essential Question

What are the sources and types of law?

NGSSS Benchmark

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

Florida Standards

LAFS.68.RH.1.1

LAFS.68.RH.1.2

LAFS.68.RH.2.4

LAFS.68.RH.3.7

LAFS.68.RH.3.9

LAFS.68.WHST.1.2

LAFS.7.WHST.4.10

LAFS.7.SL.1.1

LAFS.7.SL.1.2

Overview

In this lesson, students will recognize and compare types of law and understand their sources.

Learning Goals/Benchmark Clarifications

- Students will use examples of historical law codes to identify how laws originated and developed in Western society.
- Students will recognize constitutional, statutory, case, and common law as sources of law.
- Students will compare civil, criminal, constitutional, and/or military law.

Benchmark Content Limits

- Items will not require specific recall of historical law codes.

Civics EOC Reporting Category

Reporting Category 1 – Origins and Purposes of Law and Government

Suggested Time Frame

- Two 45-50 minute class periods

Civics Content Vocabulary

- case law, civil law, Code of Hammurabi, common law, constitutional law, criminal law, juvenile law, Magna Carta, military law, regulation, source, statutory law, type

Instructional Strategies

Close reading of complex text

Video as text

Context clues

Materials

Computer with internet access to project lesson activity sheets

Student activity sheets:

- Sources and Types of Law
- Sources of Law, Worksheet 2 from Sources of Law lesson plan from iCivics:

<http://www.icivics.org/teachers/lesson-plans/sources-law>

Student readings:

- Sources of Law reading from Sources of Law lesson plan from iCivics: <http://www.icivics.org/teachers/lesson-plans/sources-law>

Lesson Activities and Daily Schedule

Please use the chart below to track activity completion.

Day	Task #	Steps in Lesson	Description	Completed? Yes/No
Day One	Task 1	1-5	Hook Activity	
	Task 2	6-8	Code of Hammurabi Discussion	
	Task 3	9-16	Magna Carta Discussion and Summary Statement	
	Task 4	17-27	Sources of Law Reading and Activities	
Day Two	Task 5	28-38	Types of Law Reading and Activities	
	Task 6	39-41	Law Scenarios	
	Task 7	42	Checking for Understanding	

Suggested Student Activity Sequence

1. To begin this lesson, ask students to brainstorm some of the different laws they know.
2. Allow time for students to brainstorm and share out.
3. Write down the laws that are shared on the board.
4. Pose the following questions for discussion: “What do you notice about the laws we have on the board? Can you organize them in different categories?”
5. Explain to students that they will learn about different types of laws and their sources.
6. Project the map of Iraq and Syria from this page: <https://kids.nationalgeographic.com/explore/countries/iraq/> and explain to students that they will learn about an ancient system of laws that began in Mesopotamia, land that is now Iraq and Syria.
7. Pass out the “Sources and Types of Laws” student activity sheet and direct student attention to the Code of Hammurabi questions at the top of the first page. Read the questions aloud to the class.
8. Use the following key points to provide direct instruction to the class about the Code of Hammurabi. Instruct students to answer the questions on the activity sheet.
 - The Code of Hammurabi is a written code of rules that guided the society of Babylon around 1772 B.C.
 - The Code included 282 laws that dealt with everyday life. It was the first time a written set of laws governed a society.
 - This act of writing laws down and creating a structure and process for laws greatly influenced how other societies developed their own laws.
 - This is true for the U.S. and is evident by the U.S. Constitution. The U.S. Constitution is a series of laws written to guide society in the United States.
9. Project an image of the Magna Carta: <https://www.archives.gov/exhibits/featured-documents/magna-carta>.
10. Ask students if they can identify the document.
11. Share with students the following key points about the Magna Carta and instruct students to take notes on their activity sheet:
 - In order to avoid a war, King John of England signed the Magna Carta in 1215.
 - The Magna Carta is also known as the Great Charter of Freedoms.
 - The Magna Carta was written by a group of English nobility (barons) because they wanted to protect their rights and property against the king.
 - During the American Revolution, the Magna Carta was one inspiration for the colonists to seek their independence from the king of England.
 - The colonists believed they were entitled to the same rights as Englishmen, rights guaranteed in the Magna Carta. They embedded those rights into the laws of their states and later into the U.S. Constitution and Bill of Rights.
12. Direct student attention to the two quotes from the Magna Carta on their activity sheet.
13. Read through both quotes as a whole class and provide students with time to summarize both quotes in their own words.
14. Lead students to the understanding that both of these quotes are examples of how the Magna Carta inspired the founders of our nation and the writing of the U.S. Constitution. For example, the Fifth Amendment to the Constitution ("no person shall . . . be deprived of life, liberty, or property, without due process of law.") was inspired by the second quote from the Magna Carta.
15. Pose the following question for discussion: “The core source of American law is the U.S. Constitution. Based on what you have learned about the Code of Hammurabi and the Magna Carta, how did the documents influence the U.S. Constitution?”
16. Provide time for students to write a summary statement on their activity sheet.
17. Pass out the “Sources of Law, Reading pgs. 1 and 2” from iCivics: <http://www.icivics.org/teachers/lesson-plans/sources-law>.
18. Read aloud the first paragraph as a whole class.
19. Pose the following question for discussion: “Based on the information provided in the first paragraph, what is the main question about laws that will be answered by this reading?”
20. Lead students to the understanding that this reading will explain different sources of law: constitutional, case, and statutory.

21. Place students into pairs and instruct them to read the “Constitutions,” “Statutes” and “Regulations” sections. While reading, instruct students to mark text that helps them define the concepts of “constitutional law,” “statutory law” and “regulations.”
22. Provide time for students to read and define the concepts.
23. Read as a whole class the “Judicial Precedent and Interpretation” section.
24. Ask the students to share aloud the main ideas from the section.
25. Lead students to the understanding that judicial precedent and cases become sources of law called case law and common law. Case law is law established by the outcome of former cases and common law is legal precedent based on customs and prior legal decisions; it is used in civil cases. Instruct students to add these definitions to their activity sheet.
26. Pose the following question for discussion: “What can you summarize about sources of law in the U.S.?”
27. Instruct students to take notes during the discussion in the “Summary Statement” row on their activity sheet.
28. Explain to students that these sources of law are used to create different types of law: civil, constitutional, criminal, juvenile, and military.
29. Direct student attention to the “Types of Law” section on their activity sheet. Explain to students that their task is to read and mark text that helps them summarize each of the concepts related to the types of law on the activity sheet.
30. Point out the “constitutional law” rows under Sources of Law and Types of Law. Explain to students that constitutional law is a source of law and it is also a type of law.
31. Provide students with the following key points about constitutional law and instruct them to take notes on their activity sheet in the “constitutional law” row under Types of Law. Key points to include:
 - Constitutional law defines the powers between states.
 - Constitutional law deals with the relationship between the government and citizens.
32. Pass out the “Sources of Law, Reading pgs. 3 and 4” from iCivics.
33. Read aloud the first paragraph as a whole class.
34. Instruct students to work with their partner to read, mark text and explain in their own words the following concepts: civil law, criminal law, juvenile law and military law.
35. Provide time for students to complete the reading and activity sheet.
36. Monitor student work while they are reading and completing the activity sheet.
37. Pose the following questions for discussion: “How do these different types of law compare? How are they different?”
38. Have students share out and provide them with the following key comparisons:
 - Civil and criminal law are the types of law that most often impact U.S. citizens.
 - Juvenile law and criminal law are both concerned with crime, but juvenile law only applies to people under the age of 18.
 - Military law is for military members and does not apply to civilians.
 - Constitutional law deals with issues related to the government and the states and the government and its citizens.
 - Criminal law deals with crime and civil law deals with issues that are not related to crime.
39. Project the “Sources of Law, Worksheet 2” activity sheet from iCivics.
40. Explain to students that they will look at scenarios and determine the type of law that is being described.
41. Read each scenario aloud to the class and instruct students to identify the type of law being described and the text in the scenario that led them to their answer.
42. Checking for Understanding (Formative Assessment):

Instruct students to write a well-crafted informative response using one of the following prompts:

Prompt 1
Explain the five different sources of law you have learned about in this lesson by explaining each source in your own words and supporting each explanation with evidence from the reading.

Prompt 2
Explain the different types of law you have learned about in this lesson by explaining each type in your own words, supporting each explanation with evidence from the reading and explaining how each type of law compares with the other types you have learned about.

Sources and Types of Law | Page One

Historical Sources	
Code of Hammurabi	1. What is the Code of Hammurabi?
	2. What is the connection between the Code of Hammurabi and the U.S. Constitution?
Magna Carta	Notes from Class Discussion
	1. "No freeman shall be taken, imprisoned, ... nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land."
	2. "... to no one will We deny or delay, right or justice."
Summary Statement about Historical Sources of Law & the U.S. Constitution	

Sources and Types of Law | Page Two

Directions: Read Sources of Law, Pages 1 and 2 to understand the different sources of law. Mark text that helps you define the civics content vocabulary terms and then define the terms in your own words.

Sources of Law	
Constitutional Law	
Statutory Law	
Regulations	
Case Law	
Common Law	
Summary Statement about Sources of Law:	

Types of Law	
Civil Law	
Constitutional Law	
Criminal Law	
Juvenile Law	
Military Law	
Summary Statement about Types of Law:	

Sources of Law

Name: _____

Where do our laws come from?

Laws keep our society running as smoothly as possible. When you think of the law, you probably think of rules that say what people can and can't do. We all know that you cannot steal from others without getting into trouble. That's one example of a law, but most laws set rules for how things work. There are laws about how people buy and sell property, how we elect government officials, and how activities in daily life should *work*. Where do all these laws come from? There are three main sources of law in the United States: constitutions, statutes, and regulations.



A collection of law books.

U.S. Constitution

Alabama State
Constitution

Alaska State
Constitution

Arizona State
Constitution

Arkansas State
Constitution

(Keep going for all
50 states!)

Constitutions

The United States Constitution is often called "the supreme law of the land." That means no law in the country can violate the rules, laws, and rights set forth in the Constitution. Some parts of the Constitution give specific laws that apply everywhere in the United States. For example, if someone commits a crime in one state and then flees to another state, the Constitution allows the criminal to be *extradited*, or sent back, to the state where the crime was committed.

Other parts of the Constitution either authorize (allow) types of laws that may be passed or forbid (ban) certain types of laws. For example, the Constitution allows Congress to pass laws about how business is conducted across state lines. The Constitution forbids Congress from passing laws that limit peoples' freedom of religion. The bottom line is that no law can be made in the U.S. unless the Constitution allows it to be made.

Each state also has its own constitution that works the same way as the U.S. Constitution, but only applies to that state. Many laws in your state come from your state's constitution and do not apply outside your state. Even so, laws in state constitutions must not violate the U.S. Constitution.

Statutes

The Constitution gives Congress permission to pass laws about a limited number of topics. When Congress passes a law, that law is called a **statute**. Statutes passed by Congress apply to the entire United States. All of the thousands of statutes passed by Congress are collected together and organized by subject. The collection is called the **United States Code**.

For example, the Constitution says Congress has the power to "establish post offices" and pass any laws "necessary and proper" for carrying out that power. This means that Congress can establish post offices and pass all the laws needed for running a postal service. In the part of the *U.S. Code* that deals with post offices, you would find a statute that establishes the United States Postal Service. You would also find many other statutes having to do with running the U.S. Postal Service. There are statutes about what can and can't be sent through the mail, how the Postal Service must manage its money, working for the Postal Service, and many more.



A post office in New York

Sources of Law

Name: _____

Statutes, continued.

State constitutions also authorize state legislatures to pass state laws. The state laws are also called statutes, and they only apply inside the state. Often, state statutes allow local governments to pass their own laws. Local laws are usually called **ordinances**, and they only apply within local boundaries, such as within a city or county.



A local ordinance



Department of Veterans Affairs



Regulations

Congress has the power to pass laws, but not to carry them out. The executive branch has the power to execute, or carry out, laws—but not to pass them! This means the two branches must work together. The executive branch is full of agencies that carry out laws. There are departments of Agriculture, Transportation, Treasury, Veterans Affairs, and many more... including the Postal Service! Congress does not have time to pass laws about every little detail of how all these agencies should run. Instead, Congress gives each agency the power to create its own rules. The rules that an agency within the executive branch makes are called **regulations**.

A regulation has power similar to a law. Some regulations say what people can and can't do. For example, there are Postal Service regulations that prohibit spitting, blocking the door, or asking for money at a post office. Other regulations describe how things work. For example, the Postal Service has a regulation allowing customers to pay for postage over the Internet.

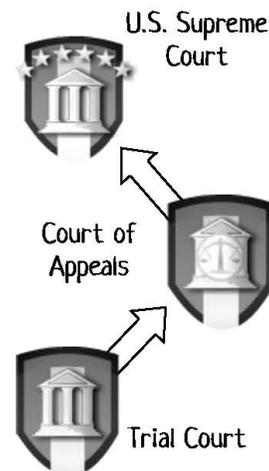
States also have agencies, and state agencies also issue regulations.

Judicial Precedent & Interpretation

Statutes and regulations aren't always clear. Very often, people will argue about the meaning of a law and how a particular law should work. When people argue about how a statute or regulation should work, it often leads to a lawsuit. In the **lawsuit**, one side complains that it has suffered because the other side has not followed the law properly. The lawsuit will go through the court system. The court's job is to interpret the law and decide how it should be applied to a specific case.

The lawsuit will begin in the trial court and might be appealed all the way to the Supreme Court. Once the Supreme Court has decided how the law should be interpreted, that interpretation must be followed in the future. This is called a **precedent**. A precedent is a decision that people can point to and say, "Here is how you handled this situation before." In this way, the court's interpretation acts as a law. Only the court can change a precedent. It does this by interpreting the law differently, which creates a new precedent.

At the state level, a state's court of appeals and supreme court set precedents for how the state's laws should be interpreted.



Reading p.2

Sources of Law

Name: _____

Types of Law

Laws can be divided into two main categories: criminal and civil. The sources of law you just read about create both kinds of laws. However, courts treat criminal and civil cases differently.



Judge's-eye view of a typical courtroom



Criminal Law

Criminal laws are laws that make certain actions a crime. These laws come from all three levels of government (federal, state, and local) and can be found in statutes, regulations, and sometimes in state constitutions.

There are two general levels of crimes. **Felonies** are serious crimes that normally have a punishment of more than a year in jail. **Misdemeanors** are less serious crimes where the penalty is usually less than a year in jail or even just a fine. A law that makes it a crime to do something usually says whether violating the law will be considered a felony or a misdemeanor. Felonies and misdemeanors are also divided into classes depending on how serious they are.

In a criminal trial, the question is always, "Did this person commit a crime?" The government is always on one side of the case, charging someone with a crime. The person accused of the crime, called the defendant, is always on the other side. The defendant is either found innocent of the crime and is acquitted, or he or she is found guilty and is sentenced with a fine or jail time.

Three Categories of Crimes:

- Crimes against people
- Crimes against property
- Crimes against the government

Can you think of an example for each?

Civil Law

Here's a basic rule of thumb: If it's not criminal, it's civil! Civil laws involve a wide range of subjects such as property, divorce, contracts, wills, personal injury, bankruptcy, employment, agriculture, and taxes. For this reason, there are many more civil laws than criminal laws.

Civil laws usually help settle disagreements between people. People may disagree over things like rights to property, custody of children in divorce, or what a contract says. The two sides in a civil case each get to tell their side of the story. The judge or jury decides what the facts are and what the *remedy*, or solution, should be.

Sometimes, like criminal cases, civil cases involve someone who has injured someone else. Many injuries, such as accidents, are not caused by a crime. The person who caused the accident and the person who was hurt must come to an agreement about how the injured person can be compensated for his or her loss.

Very often, civil law does not involve a problem or disagreement at all. If someone wants to make a will or draw up a contract to sell something, there are civil laws that say how those things should be done.

Taking Sides

Defendant: Someone who is charged with a crime or accused of other wrongdoing

Plaintiff: Someone who files a lawsuit against someone else in a civil court



Reading p. 3

Sources of Law

Name: _____

Special Systems of Law

There are two systems of law that work a little differently from our regular system of law. They are different because they deal with two unique populations—the military and people under the age of 18. The special circumstances of these two groups make it necessary to have systems of law that are designed to handle their unique issues.



A military trial is called a court-martial. The Manual for Courts-Martial explains how military trials must operate and gives details about the laws in the UCMJ. The manual is actually an executive order signed by the president.



Military Law

The U.S. Constitution gives Congress the power “to make Rules for the Government and Regulation of the land and naval Forces.” Congress did this by enacting the **Uniform Code of Military Justice (UCMJ)**, which is a set of criminal laws that apply to people in the military. The UCMJ also lists the procedures for conducting a military trial and explains what punishments are allowed.

The military justice system is entirely separate from the civilian system. It is designed for the special needs of the military, so the UCMJ contains some laws that would not be needed for regular citizens. For example, it includes laws against leaving the military without permission, showing disrespect to a superior officer, and failing to obey an order. All members of the military are subject to the military justice system.

Juvenile Law

Criminal laws apply to everyone. But when a person under age 18 commits a crime, most states have a system of **juvenile justice** that deals with the case. The juvenile justice system is usually more flexible than the adult justice system. It allows a judge to look at many factors in a child’s life when deciding what the consequences for committing a crime should be. The juvenile system is different because, as a society, we believe that young people sometimes make bad choices that they would not make if they were more mature. The juvenile system offers more chances for young people to learn from mistakes without being negatively affected for the rest of their lives.

Outside the juvenile justice system, there are other kinds of laws that affect people under 18. Some of these are laws targeted at young people, like curfew laws or laws about school attendance. Other laws have been passed in order to protect children from abuse. Most states have a whole set of laws that describe what happens when an abused child is removed from his or her home. There are also laws about adoption, foster care, and special health and education programs for children.



Delinquent: a juvenile found guilty of a crime

Status Offender: a juvenile that is found guilty of breaking a law that wouldn’t be a crime if they were an adult (like skipping school)

Child Protective Services: government agency in most states that respond to reports of child abuse or neglect

Sources of Law

Name: _____

B. Vocabulary. Match the term with the correct definition from the lesson.

- | | |
|---------------------------|--|
| ___ 1. delinquent | A) An interpretation of a law that is used in later trials |
| ___ 2. precedent | B) Set of laws specifically for the U.S. military |
| ___ 3. United States Code | C) A disagreement brought to the courts for a resolution |
| ___ 4. lawsuit | D) A young person found guilty of a crime |
| ___ 5. UCMJ | E) Collection of laws passes by the United States Congress |



C. What If? Select the correct type of law based on the scenario.

___ 6. When a soldier failed to return to base after going on leave, he was charged and brought to trial for being AWOL (Absent Without Official Leave).

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

___ 9. Julie was pulled over by the police at 2:00am and was charged with breaking the curfew law in her town. She was fined and released back to her parents.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

___ 7. A man was caught on tape robbing a gas station. He was arrested, brought to trial, and found guilty of burglary. He was sentenced to 10 years in prison and a fine.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

___ 10. A married couple decides to get a divorce. They disagree over who gets what. A judge hears both sides and makes a decision about how their property should be divided.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

___ 8. The Smith family has decided to adopt their foster child, Anna. They work with their state adoption agency to complete all of the necessary paperwork.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law



___ 11. Karen ordered an iPod off the internet and paid with her credit card, but she never received the order. The seller is refusing to refund her money, so she takes the matter to court.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

Sources

Sources of Law lesson plan from iCivics: <http://www.icivics.org/teachers/lesson-plans/sources-law>

Notes on Mesopotamia from National Geographic Education Video:

<http://www.natgeoeducationvideo.com/film/1011/mesopotamia>, Accessed April 2013

Magna Carta image and notes: <https://www.archives.gov/exhibits/featured-documents/magna-carta>

Constitutional law notes:

http://teacher.scholastic.com/scholasticnews/indepth/upfront/grolier/constitutional_law.htm,

Accessed April 2013

Sources and Types of Law | Page One | Sample Answers

Historical Sources	
Code of Hammurabi	1. What is the Code of Hammurabi? - a written code of rules that guided an ancient society around 1772 B.C., 282 laws that dealt with everyday life, it was a code that most likely inspired other civilizations
	2. What is the connection between the Code of Hammurabi and the U.S. Constitution? The Code of Hammurabi was the first set of written rules to govern a society, the U.S. Constitution is the written set of rules governing the United States.
Magna Carta	"No freeman shall be taken, imprisoned, ... nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land."
	Freemen will be judged by the law of the land.
	"... to no one will We deny or delay, right or justice."
	Justice will not be denied to anyone.
Summary Statement about Historical Sources of Law & the U.S. Constitution	The U.S. Constitution was influenced by historical law codes. For example, the Hammurabi Code began the system of written laws and the Magna Carta was used as inspiration for some of the individual rights we have today.

Sources and Types of Law | Page Two | **Sample Answers**

Directions: Read Sources of Law, Pages 1 and 2 to understand the different sources of law. Mark text that helps you define the civics content vocabulary terms and then define the terms in your own words.

Sources of Law	
Constitutional Law	The Constitution is the supreme law of the land and states can only create laws that do not conflict with the Constitution. As a type of law, constitutional law deals with issues between the federal government and states, between two or more states, and between the government and citizens.
Statutory Law	The Constitution gives Congress permission to pass laws about a limited number of topics. These laws are called statutes. These statutes apply to the entire United States.
Regulations	The rules that an agency of the executive branch makes are called regulations.
Case Law	Case law is law established by the outcome of former cases.
Common Law	Common law is legal precedent based on customs and prior legal decisions; it is used in civil cases.
Summary Statement about Sources of Law:	Laws come from different sources. However the U.S. Constitution is the supreme law of the land. From the Constitution, statutes and regulations are created. Courts interpret laws and create case and common law.

Types of Law	
Civil Law	Civil laws help settle disagreements between people. Civil laws deal with subjects such as: property, divorce, contracts, wills, personal injury, bankruptcy, employment, agriculture, and taxes.
Constitutional Law	Constitutional law defines the powers between states and deals with the relationship between the government and citizens.
Criminal Law	Criminal law makes certain actions a crime and comes from all three levels of government. Criminal law falls into two categories: felonies (serious crimes) and misdemeanors (less serious crimes). When someone breaks a criminal law, they are charged with a crime. When someone is brought to trial for a crime, the government is on one side charging the person with the crime and the person accused of the crime is called the defendant.
Juvenile Law	Juvenile law is for people under the age of 18 who commit a crime. The juvenile system is usually more flexible than the adult system, so that juveniles have more chances for young people to learn from their mistakes. There are also laws about school attendance, curfews and child abuse.
Military Law	Military laws are special laws for people in the U.S. military. Congress created the Uniform Code of Military Justice, which is a set of criminal laws that apply to people in the military. This code also includes procedures for a military trial and punishments. It also includes laws that are not needed for non-military laws.
Summary Statement about Types of Law:	There are different types of law in the United States. Constitutional law deals with issues related to the government, states and its citizens. Criminal law deals with crime and civil law deals with issues that are not related to crime. Juvenile law mainly deals with criminal law for people under the age of 18, as well as some other issues. Military law is especially for military members and has its own set of rules for criminal actions.

Sources of Law

** TEACHER GUIDE **

Vocabulary. Match the term with the correct definition from the lesson.

- | | |
|--------------------------------|--|
| <u>D</u> 1. delinquent | A) An interpretation of a law that is used in later trials |
| <u>A</u> 2. precedent | B) Set of laws specifically for the U.S. military |
| <u>E</u> 3. United States Code | C) A disagreement brought to the courts for a resolution |
| <u>C</u> 4. lawsuit | D) A young person found guilty of a crime |
| <u>B</u> 5. UCMJ | E) Collection of laws passes by the United States Congress |



What If? Select the correct type of law based on the scenario.

A 6. When a soldier failed to return to base after going on leave, he was charged and brought to trial for being AWOL (Absent Without Official Leave).

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

B 8. Julie was pulled over by the police at 2:00am and was charged with breaking the curfew law in her town. She was fined and released back to her parents.

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- b. Juvenile Law
- c. Civil Law
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- a. Military Law
- b. Juvenile Law
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B 10. The Smith family has decided to adopt their foster child, Anna. They work with their state adoption agency to complete all of the necessary paperwork.

- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law

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- a. Military Law
- b. Juvenile Law
- c. Civil Law
- d. Criminal Law



Civics Content Vocabulary

Word/Term	Part of Speech	Definition
case law	noun	law established based on the outcome of former court cases
civil law	noun	law that deals with relationships between people (rather than relationships between people and the government)
Code of Hammurabi	proper noun	a written code of rules that guided the ancient society of Babylon; dates back to 1772 B.C.
common law	noun	law based on customs and prior legal decisions; used in civil cases
constitutional law	noun	law that focuses on interpreting the U.S. Constitution
criminal law	noun	law that deals with crimes and the punishments for those crimes
juvenile law	noun	law that deals with people who are under the age of 18
Magna Carta	proper noun	a government document that limited the power of the king of England and protected the rights of the nobility; written by the English nobles in 1215
military law	noun	laws that apply only to people in the military
regulation	noun	a rule that a government agency makes to enforce a law
source	noun	a main reference or point of origin
statutory law	noun	laws passed by Congress or a state legislature
type	noun	a particular category, kind, or group

Essential Teacher Content Background Information

This section addresses the following issues:

1. Why do sources and types of law form the basis for public policy in the U.S.?
2. Sources of law
3. Types of law

1. Why do sources and types of law form the basis for public policy in the U.S.?

The U.S. is governed by the rule of law. There are several sources and types of law that form the basis for public policy in the U.S. The U.S. government avoids an arbitrary approach to governance in anchoring public policy in multiple sources and types of law. The sources and types of law that anchor policy making reflect core values and approaches including preventing government abuse of power, core civil liberties and civil rights, separation of powers, consent of the governed, and social contract among others.

2. Sources of law

Sources of law speak to who makes laws. There are sources of law that are made by elected officials at the local, state and national level, and by appointed officials.

The core source of American law is the U.S. Constitution. The Constitution extends specific powers to the three branches and powers of government (legislative, executive, judicial) and divides powers between the national and state governments. From these constitutional orientations emerge the distribution of who is empowered to make law and the nature of the law that is made.

Laws made by elected officials include ordinances (local laws), ordinances (state laws) and acts (federal laws). The supremacy clause found in Article Six of the U.S. Constitution speaks to the notion that the higher levels of government decide how much power lower level governments will have. The Supremacy Clause states that:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The core focus of the Supremacy Clause is that laws made at levels below the national level may not conflict with national laws. Beyond the Supremacy Clause, the notion that higher level governments make laws impacting lower level governments, in essence, deciding what kind of laws that lower level governments may or may not make, is key to understanding sources of law. The national government may decide the powers of the state governments and the state governments may decide which powers that the local governments within those states may have. Laws may be made only for the political units in which they are elected (state laws impact the state in which those legislators are elected; county ordinances impact only the county in which those ordinances are made, etc.).

Yet the U.S. Constitution includes limits what the national, state and local governments may do. For example, Article I, Section 8 outlines the specific powers of Congress (thereby denying those powers to the states, such as raising and supporting armies) while the Tenth Amendment to the U.S. Constitution states that powers not specifically delegated to Congress are reserved to the states. Controversies have emerged as to whether the Article I, Section 8 “necessary and proper” (or “elastic”) clause gives powers to Congress that are not enumerated (listed).

Regulations are a source of law that extend lawmaking powers to appointed administrators. Heads of administrative agencies use their expertise to decide how laws will be implemented which broadens their power.

The U.S. Supreme Court is the highest U.S. court. Decisions made by lower courts may be overturned by the U.S. Supreme Court and cannot be appealed. The U.S. Supreme Court is the nation’s final interpreter of the U.S. Constitution. It decides the meaning and scope of constitutional law. Judicial decisions are used as the basis for future judicial decisions; these earlier decisions (precedents) insure that constitutional interpretation is not arbitrary or capricious.

3. Types of law

There are several types of law that are used in the U.S. These types of law include civil, criminal, constitutional, military and juvenile. Each type of law impacts certain populations and impact different types of conflicts.

Civil and criminal law are the types of law that most often impact U.S. citizens. Civil laws are those types of laws that involve conflicts between citizens such as property and contract disputes while criminal law focuses on those laws involving individuals accused and/or convicted of committing crimes. Criminal law is handled by the government against which the crime was alleged to have been committed; for instance, a person accused of committing a state statute will be prosecuted by the state while a person convicted of a federal crime will be incarcerated in a federal prison. Persons convicted of violating criminal law may be incarcerated while persons losing their cases in civil court may be subject to fines, financial penalties, and other punishments, but are not subject to incarceration.

Military law impacts only persons in the military; constitutional protections, such as those listed in the Bill of Rights, do not apply to military law although several aspects of constitutional law have parallels in military law.

Juvenile law impacts those who are less than 18 years old. Juvenile law is associated with various aspects of the law where juveniles are treated differently than adults because juveniles do not have the same obligations and responsibilities as do adult citizens. Juveniles also do not have the same powers as adult citizens, which also impacts how they are treated by the legal system.