SS.7.C.3.10 Benchmark Clarification 2: Students will recognize constitutional, statutory, case, and common law as sources of law.

Laws come from different sources and they are made at the local, state, and federal levels of government. Based on Article Six of the U.S. Constitution, the **supremacy clause**, the higher levels of government decide how much law making power the lower levels of government have. For example, the national government decides how much power the states have and states decide how much power local governments have. The laws made at the lower levels may not conflict with the state or national laws.

**Constitutional law** is the interpretation and implementation of the U.S. Constitution. The U.S. Supreme Court is the final interpreter of the U.S. Constitution and decides the meaning of constitutional law. **Statutory laws** are written laws enacted by a legislature. An example of this is the Civil Rights Act of 1964. **Regulations** are the rules an agency of the executive branch makes to enforce a law. The appointed administrators of the agency use their knowledge to decide how laws will be carried out. **Case law** is established by the outcome of former court cases. These **precedents** ensure that there is consistency in court decisions. **Common law** is a legal precedent based on customs and prior legal decisions and is used in civil cases.

The Constitution is the supreme law of the land and states cannot create laws that conflict with it. Statutes and regulations are created from it and courts interpret laws that create case and common law.

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**case law** - law established by the outcome of former court cases  
**common law** - legal decisions based on customs and prior legal decisions; used in civil cases  
**constitutional law** - the interpretation and implementation of the U.S. Constitution  
**precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court  
**regulation** - a rule an agency of the executive branch makes to enforce a law  
**statutory law** - the written law enacted by a legislature  
**supremacy clause** - the clause that states that the U.S. Constitution is the supreme law of the land, and that national laws are supreme over state laws, found in Article VI