

Law in Action

Trace how legal sources guide and limit government action.

12.G1d “The rule of law is a system in which no one, including government, is above the law. The United States legal system has evolved over time as the result of implementation and interpretation of common law, constitutional law, statutory law...”

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Label examples of statutes, regulations, constitutional law, and common law. Mark how law constrains officials.

A Fictional Bakery Dispute

- ① Imagine that a city health department orders River Street Bakery to stop sales because its refrigerator is unsafe. A state statute authorizes food-safety rules; an administrative regulation specifies refrigeration requirements. The legislature enacted the statute, while an authorized agency adopted the detailed rule. Inspectors implement the rule. Both the bakery and officials must follow applicable law, though their duties differ. An official's preference alone does not create legal authority.
- ② The owner challenges the shutdown, arguing that required procedures were denied. Constitutional due process concerns legally required notice and opportunities to be heard. Emergency conditions can affect when a hearing is required, so a court must examine the facts and governing law. Courts interpret constitutions, statutes, and regulations; a controlling decision may require an agency to revise enforcement. Interpreting a constitution does not rewrite its text.
- ③ Suppose a customer also sues the bakery for illness caused by careless food handling. Where applicable, common-law negligence principles developed through court decisions may help determine liability. Common law is judge-developed law, not a label for every judicial decision: a ruling interpreting a statute is not automatically common law. Precedents guide later cases, while valid statutes can alter common-law rules. Legal change therefore occurs through several institutions. The rule of law requires officials and private parties alike to respect controlling law and use lawful procedures to challenge decisions.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 Which detail shows that a government action can be reviewed under the rule of law?

2 What source of law gave the health department authority to issue detailed regulations, and what did the regulation provide?

3 What constitutional concern could the bakery raise, and what would a court interpret?

4 Why might the department have to change its enforcement practice after a later court decision?

3 YOUR TURN _____ Your own words

Write four sentences about a fictional dispute over a state environmental permit. Include statutory law, an administrative regulation, a constitutional claim or common-law precedent, and explain how the rule of law limits the agency or company.

PART 1 • READ AND MARK

Label examples of statutes, regulations, constitutional law, and common law. Mark how law constrains officials. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	Which detail shows that a government action can be reviewed under the rule of law?	The owner challenges the shutdown, and a controlling court decision may require the agency to revise enforcement.
2	What source of law gave the health department authority to issue detailed regulations, and what did the regulation provide?	A state statute gave the department authority to issue detailed regulations. The regulation provided a specific refrigeration requirement.
3	What constitutional concern could the bakery raise, and what would a court interpret?	The owner could claim legally required procedures were denied. A court would interpret due-process requirements in light of the facts, including any emergency.
4	Why might the department have to change its enforcement practice after a later court decision?	A court may interpret the regulation differently. The department must change its practice to follow the controlling interpretation of the law.

PART 3 • YOUR TURN (SAMPLE ANSWER)

A state statute authorizes an environmental agency to issue permits. The agency adopts an emissions-reporting regulation under that authority. A company denied a permit claims it lacked a legally required opportunity to respond, raising constitutional due process. A court examines the governing law and facts, and the parties must follow its controlling ruling or use lawful review procedures.

Accept accurate links among statute, authorized regulation, and constitutional claim or common-law principle. The four-sentence response should explain a legal limit on an actor. Do not classify every court precedent as common law.