The Importance of Preserving the Rule of Law
What is the Rule of Law?

“The rule of law is a set of principles, or ideals, for ensuring an orderly and just society. Many countries throughout the world strive to uphold the rule of law where no one is above the law, everyone is treated equally under the law, everyone is held accountable to the same laws, there are clear and fair processes for enforcing laws, there is an independent judiciary, and human rights are guaranteed for all.” –American Bar Association
What does the Rule of Law mean?

- The same laws are applied to everyone fairly.
- Everyone is treated equally under the law which is guaranteed by the U.S. Constitution.
- Government power is bound by law and separated by checks and balances.
What does the Rule of Law mean?

- Everyone has rights and responsibilities
- Laws are shared openly and enforced fairly
- The Judiciary is independent, and judges are fair and impartial
Why does the Rule of Law Matter?

- It ensures a fair and just society
- Provides order in society by creating standards and rules of behavior
- Civil society could not function without the Rule of Law
The Roots of the Rule of Law
THE SEVENTEENTH CENTURY: “A CITY ON A HILL”

“The Mayflower Compact 1620, Jean Leon Gerome Ferris, 1932

“We … do … solemnly and mutually … covenant and combine our selves together into a civil body politic … to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions and offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.”

Governor John Winthrop, courtesy of The Library of Congress

“A Model of Christian Charity,” 1630

“… we must be knit together … as one …, we must be willing to abridge ourselves of our superfluities, for the supply of other’s necessities, we must uphold a familiar commerce together …, having before our eyes … our community as members of the same body…..”
THE EIGHTEENTH CENTURY:
“ALL MEN ARE CREATED EQUAL”

The American Declaration of Independence, 1776

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Slave trader’s business in Atlanta, Georgia, 1864. Nearly 100 years after the Declaration of Independence proclaimed that “all men are created equal,” an entire race was being bought and sold as chattel, as property. But the enslaved were not the only ones denied equality: Women would also suffer second-class status and remain disenfranchised until the twentieth century.
THE NINETEENTH CENTURY: “MANIFEST DESTINY”

*American Progress, 1872, John Gast*

*The Last of the Race, T.H. Matteson, 1847*
THE TWENTIETH CENTURY: CIVIL RIGHTS


Dorothea Lange, 1942


Public Domain
Dr Martin Luther King, Jr., American Baptist Minister, led the struggle against racial discrimination in 1960s, motivating supporters to protest and inspiring others with the power of his rhetoric. He advocated the principle of non-violent protest, affirming that opposition should be tackled with compassion rather than aggression.

“We must not allow our creative protest to degenerate into physical violence.”
THE TWENTY-FIRST CENTURY: THE TENSION CONTINUES
THE RULE OF LAW: 
THE TENSION CONTINUES

INDIVIDUAL RIGHTS

EQUALITY
FAIRNESS

FREEDOM
STABILITY
SECURITY
JUSTICE

COMMON GOOD
The Rule of Law – Peaceful Transition of Power

“The peaceful transfer of power has occurred every time a president has lost an election in our country, dating back to when John Adams lost the election of 1800 to his bitter rival Thomas Jefferson. Our country has held successful elections and undergone peaceful transfers of power during world wars and the great depression. Until now, this is a sentiment that has been shared, throughout history, by all of America’s leaders, regardless of political party, background, or ideology.” – News Journal; The Daytona Beach
John Adams

“His departure from office marked the first peaceful transfer of power between political opponents in the United States, now viewed as a hallmark of the nation’s democracy. Since then, the loser of every presidential election in U.S. history has willingly and peacefully surrendered power to the winner, despite whatever personal animosity or political divisions might exist.” – Historychannel.com
In 2000, the strength of our democracy and the promise of a peaceful transition of power was put to the test during the presidential election between then-Governor George W. Bush and Vice President Al Gore.

It was the Courts that stepped in and acted as the referee during this time.

The United States Supreme Court intervened, and halted the recount in Florida, declaring George W. Bush the 43rd President of the United States.
The Constitutional amendment process has allowed for changes in the Rule of Law reflecting societal advances.

- Although a remarkable document, there were many shortcomings in the original Constitution drafted by our Framers.
- Women were not granted the right to vote until 1919, 60 years after the suffrage movement began in Seneca, New York.
- It wasn’t another 100 years after the 19th amendment was adopted, that the first female Vice President of the United States was elected to Office.
What Should the Rule of Law Guarantee?

Laws that are certain, predictable, and created openly

Some laws reflect the will of society and can be changed over time

People have the right to engage with lawmakers and change the rules of law

People have access to the courts to settle disputes and to challenge laws