

# The Rule of Law Discussion Points



## THE PRESENCE OF THE RULE OF LAW

### 1. America is a nation of laws, not of men or women:

- In America, the law is king. We agree that the law governs us, not an individual, the military, or a special interest group.
- This is quite different from countries ruled by dictators or small groups of people who consider themselves above the law.

### 2. In America, no one is above the law and no one is below it:

- No one is above the law means that if you ignore or abuse the law for personal advantage, there are consequences.
  - The law also ensures that you will be treated fairly and equally if you break the law by receiving a fair trial (due process of law).
  - This encourages all citizens to act responsibly and obey the law for the common good of every other citizen.
- No one is beneath the law means the law protects our individual freedom granted by the Constitution and Bill of Rights.
  - Our judicial system enforces and protects these rights equally for all citizens.
  - These rights may not be denied unless you break the law, in which case your rights may be limited or taken away.



### 3. Free election of public officials:

- In America, we have free and open elections, without violence, where all registered voters may exercise their right to vote for public officials (local, state and national).
- The rights to vote, to assemble, to speak freely, to own property, and to be free from illegal discrimination are all protected by our Constitution and Bill of Rights and are enforced by our courts.



*"Transparency and the rule of law will be the touchstones of this presidency."*

- Barack Obama

## THE ABSENCE OF THE RULE OF LAW

### 1. In America



Chief Joseph



Martin Luther King



Elizabeth Cady Stanton

#### EXECUTIVE ORDER 9066: The Internment of 110,000 Japanese Americans



Courtesy of Lisa Hayman

- Although the Constitution and Bill of Rights declared all men equal and possessing certain “inalienable” rights, some Americans have been denied many of these rights:
  - Since colonial times, Native Americans have struggled to obtain the recognition and rights enjoyed by other Americans.
  - Once slaves, African-Americans gained American citizenship in the 1860s, but not until the Civil Rights Movement of the 1950s and 60s and subsequent Constitutional and judicial protections were they granted equal protection, voting and educational rights, ending institutionalized discriminatory practices.
  - Women did not have a right to vote until the enactment in 1920 of the 19<sup>th</sup> Amendment to the Constitution.
  - During World War II, Japanese-Americans were detained in internment camps.
- Ultimately, the rule of law in America prevailed to guarantee and protect the rights of all citizens, regardless of race, gender or ethnicity.

### 2. Globally

- Sadly, there are places in the world where the rule of law does not exist or is limited by those in power.
  - Adolf Hitler rose to power in Nazi Germany and attempted to extinguish an entire race of people.
  - General Pervez Musharraf, former Pakistani President, ignored the rule of law and ordered that all lawyers and judges be put in jail so he would remain in power and not be tried for crimes against the public. Musharraf ultimately resigned from office because of the international outcry.
  - As dictator, Iraqi President Saddam Hussein considered himself the law. After Saddam, the Iraqi people held elections for new leaders, free of governmental interference and without violence, returning the rule of law to the people.
  - Afghanistan, Somalia, and other countries are controlled by terrorists and warlords, without a legal or social structure to provide equal protection or access to justice.

### 3. So, why is the rule of law important today?