

Rule of Law Project

Teachers, Lawyers and Judges Collaborating to Teach the Rule of Law

Discussion Points



PRESENCE OF THE RULE OF LAW

1. America is a nation of laws, not of men or women:
 - In America, the law rules. Everyone agrees that the law governs all citizens, not any one individual, the military, or any special interest group.
 - In some other countries, those in power 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 there are consequences if citizens ignore or abuse the law in order to protect the general public from harm.
 - 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 every citizen's individual rights granted by the Constitution and Bill of Rights.
 - Judges and courts enforce and protect these rights equally for all citizens.
 - These rights may not be denied without due process of law.
3. Free election of public officials:
 - In America, there are 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

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 United States Constitution and Bill of Rights declared all men equal and possessing certain “inalienable” rights, some Americans have been denied 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 and were granted equal protection, voting and educational rights, ending institutionalized discriminatory practices only after the civil rights movement of the 1950s and 60s and subsequent Constitutional and judicial protections.
 - Women did not have a right to vote until the enactment in 1920 of the 19th Amendment to the Constitution.
 - During World War II, Japanese-Americans were detained in internment camps.
- While America’s experiment in democracy is not perfect, our Constitution, as interpreted and enforced by an independent judiciary, allows us ultimately to make things right by protecting 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 based on the consent of the people 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 jailed 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.
 - 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?

Only through education can the rule of law be broadly understood as the basis for a free and open society, which requires transparency and active citizen participation to ensure equal treatment and access to justice for all people.