

Judges: Umpires of the Law

What is the Rule of Law?

There have been a lot of stories in our newspapers about the nominations and confirmation hearings for United States Supreme Court judges, about Iraq getting a new constitution and about some people in government under investigation for various reasons. One phrase we keep hearing in these stories is “we are a nation that follows the rule of law.” What is meant by that? The rule of law is hard to define, but these examples might help:

►► If we do not like some of the laws that are passed, we do not break them anyway. We find peaceful ways to change the law by electing new lawmakers or telling our lawmakers why we disagree with them or by challenging them in the courtroom.

►► We believe that our courts are the right place to decide if a law has been broken and what will happen to people who break the law. We also believe our courts are where people go to settle a dispute they may have with each other. When the court makes a decision, even if we do not agree, we respect the decision. For example, in the 2000 presidential election, it was unclear whether Albert Gore or George W. Bush had won the election. Eventually, the U.S. Supreme Court decided the election in favor of George W. Bush. Although Gore’s supporters really wanted him to win and were angry over the decision, they did not riot or shoot guns. They accepted the court’s decision.

►► Finally, what sets us apart from other countries is that we expect everyone, including presidents, governors and judges, to follow the law. No one is above the law.

Suggested Activities:

Grades 4-8:

- 1) Write some of your school’s rules on a flip chart or board. Discuss the policy behind each rule—safety, necessary for a good learning environment, teaching respect. Brainstorm about what problems would arise without these rules.
- 2) Talk about traffic and highway laws. What might our streets and highways look like without these laws?
- 3) How would the game of basketball change if there were not consequences for fouling someone? Why do sports like hockey, football, soccer and basketball have rules against players roughing up members on the opposing team?

Grades 9-12:

- 1) Discuss how our civil rights leaders changed discriminatory laws by respecting the rule of law. Some of these may include how they used their First Amendment rights to lead the Civil Rights Movement, how they used the courts to desegregate schools (Brown v. Board of Education), and how they got lawmakers to eliminate discriminatory voting practices (Voting Rights Act of 1965).
- 2) Discuss how various presidents have been reminded they are not above the rule of law: Truman and the steel mill strikes, Nixon and the Watergate tapes, Reagan and the Iran-Contra affair, Clinton and the Starr investigation, and the current debates on President Bush’s wiretapping.
- 3) Discuss why having a written constitution is only part of what a nation must have in order to be a country that follows the rule of law.

For additional activities, contact The Missouri Bar at milliea@mobar.org.