

Judges: Umpires of the Law.....

Living by the Rule of Law

Many people agree that baseball is a great American tradition. At a baseball game we will see players from each team, managers, coaches and, of course, the men in black—the umpires. Even though the umpires may make us mad at times, we all know that it is necessary to have them for the game to be played in a fair manner.

We also have umpires in our federal and state governments—they are the judges in our courts. Both our federal and state governments are based on three separate but equal branches—executive, legislative and judicial. The legislative branch, which is Congress at the federal level and the General Assembly at the state level, makes the laws. The executive branch, which is the president at the federal level and the governor at the state level, makes sure that these laws are carried out. The judicial branch, which is made up of our courts, makes sure that the laws and how they are carried out are fair to everyone.

In baseball, the umpire does not make the rules for the game. He does not get to bat, pitch or field. He cannot like one team better than another; he has to be fair to both sides. He does not get to pick which game he umpires—he is assigned to a game. His only job is to decide if a pitch is a strike or ball or if a runner is safe or out.

A judge's job is similar. Judges do not get to make laws or decide how they will be enforced. They do not get to choose which cases come to their courts. They must be fair to all the people who come seeking justice. The judges must not favor one side or another. Their job is to listen to the people who bring them their cases and then look at the laws the legislature has passed as well as the constitution and decide who is right or wrong. Our judges are the ones who make sure our government is fair to everyone, not just the majority or the richest or the most powerful.

Lineup Card April 15, 200
Date

Suggested Activities:

Grades 4-8:

- 1) Discuss what would happen in a baseball game without umpires. Why do we need umpires in government? Why is it sometimes difficult for the legislative and executive branches to write and enforce laws that are fair to everyone?
- 2) Invite a judge to visit the classroom and discuss what he/she does to make sure everyone is treated fairly in the courtroom.
- 3) How is a jury also like an umpire in a courtroom? What do you think lawyers and judges do to make sure a juror can be fair to both sides? Visit a courtroom on a day when a jury is being chosen and observe the process.

Grades 9-12:

- 1) Research some historical examples of when the courts have decided that legislatures or executives have not been fair or exceeded their power: *Marbury v. Madison*, *Brown v. Board of Education*, *Clinton v. City of New York*, *Youngstown Sheet & Tube Co. v. Sawyer*.
- 2) Read the case of *State v. Rowe*. (May be found at www.osca.state.mo.us by going to "Opinions" and then putting *State v. John Rowe* in the search box.) What law is in question in this case? What does the Court say about what it thinks the legislature intended when it passed the driving without a license law? What do you think the legislature intended? Why didn't the Court just rule the way it thought the legislature intended for law to work instead of making its decision on what the language in the law clearly states? How is the court's decision consistent with the idea that judges are the umpires of the law, not players in the game?

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