Understanding Rule of Law

1.1 Welcome

Notes:

Welcome to “Understanding Rule of Law,” an online Civics tutorial for 7th grade students.
1.2 Your Objectives

Notes:

In this tutorial, you’ll learn about the rule of law, one of the most important legal principles in the United States and other democracies.

By the end, you’ll be able to define rule of law and distinguish between societies with rule of law and those without it.

You’ll learn about several key principles underlying rule of law.

And you’ll analyze the case study of Richard Nixon, an American president who was found to have violated the rule of law—and resigned his office as a result.

Let’s get started!
1.3 Let’s Review

Notes:

Before we begin, let’s start out by reviewing some basics that you probably already know.

Laws are the rules that a country or a community establishes to regulate the actions of its members.

Laws exist, among other reasons, to protect people, their property, and their freedoms. There are usually penalties or consequences for breaking a society’s laws.

In a democracy like the United States, the source of all laws is ultimately the people.

The people may not personally write or vote on the laws themselves, but they choose the lawmakers who do so on their behalf.

In this way, people have the power to change the laws under which they live.

Numerous sets of laws apply to every American citizen.

Federal laws apply to the entire United States and everyone in it.

State laws only affect the citizens or residents of a particular state, like Florida.

And local laws are passed by cities, towns, or communities. Wherever you live, multiple sets of laws apply to you.
1.4 Practice

Notes:

Let’s see if you got all that. Pick ALL the statements that correctly describe laws. Then click Submit.

<table>
<thead>
<tr>
<th>Correct</th>
<th>Choice</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>Laws exist, among other reasons, to protect people, their property, and their freedoms.</td>
</tr>
<tr>
<td>NO</td>
<td>In a democracy like the United States, laws are given to the people by a leader, such as their president.</td>
</tr>
<tr>
<td>NO</td>
<td>The only laws that affect Americans are federal laws passed by the U.S. government.</td>
</tr>
<tr>
<td>YES</td>
<td>Laws are rules established to regulate a country or a community.</td>
</tr>
</tbody>
</table>

Feedback when correct:

Correct! Laws are rules established to regulate a country or a community. They exist, among other reasons, to protect people, their property, and their freedoms. But in a democracy, the people are the ultimate source of the laws that govern them, not their leaders. And laws exist on the federal, state, and local levels.
Feedback when incorrect:

Here are the right answers. Laws are rules established to regulate a country or a community. They exist, among other reasons, to protect people, their property, and their freedoms. But in a democracy, the people are the ultimate source of the laws that govern them, not their leaders. And laws exist on the federal, state, and local levels.
1.5 What Is Rule of Law?

Notes:

So, you may be asking yourself: “Who has to follow the law?”

Well, in the United States - everyone does!

Ordinary citizens, obviously, are expected to follow the laws.

But so are lawmakers - those who write the laws - and so are those who practice and interpret the law: lawyers and judges.

Law enforcement officials, like policemen, are required to follow the law themselves.

And even the President of the United States, whoever he or she may be, is not considered above the law!

To put it in its simplest form, this is what rule of law means.

No one is above the law. At the same time, everyone is to be considered equal under the law: rich or poor, black or white, man or woman.

And the law applies equally to everyone. This means that everyone is entitled to the equal protections of the law, and that everyone has equal responsibilities to uphold and follow the law.

Support for the principle of rule of law has existed throughout American history. Our sixth President, John Quincy Adams, once said: “I prefer a government of laws and not of men.” [Quotes]

And our 26th President, Theodore Roosevelt, also understood the importance of rule of
law: “Ours is a government of liberty by, through, and under the law. No man is above it, and no man is below it.”
1.6 Practice

Notes:

For this practice, click on the ONE answer that best defines rule of law. Then click Submit.

<table>
<thead>
<tr>
<th>Correct</th>
<th>Choice</th>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>Rule of law means people have the ability to make their own laws.</td>
<td>It’s true that in a democracy people have a part to play in the lawmaking process, but this isn’t exactly a definition of rule of law. Look at the other choices and try again.</td>
</tr>
<tr>
<td>NO</td>
<td>Rule of law means that everyone can interpret and follow the law in their own individual way.</td>
<td>This definitely doesn’t describe rule of law. Look at the other choices and try again.</td>
</tr>
<tr>
<td>NO</td>
<td>Rule of law means that some people in a society have to follow the law while others do not.</td>
<td>This is almost the opposite of rule of law. Look at the other choices and try again.</td>
</tr>
<tr>
<td>Correct</td>
<td>Choice</td>
<td>Feedback</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>YES</td>
<td>Rule of law means that no one is above the law and that the law applies equally to everyone.</td>
<td>Right! Rule of law means that no one is above the law and that the law applies equally to everyone.</td>
</tr>
</tbody>
</table>
Notes:

Now that you have a general sense of what rule of law means, let’s go into more detail as we explore some of its principles.

Many of them are guaranteed in the U.S. Constitution, the founding document of our federal government.

First, rule of law means accountability before the law. This means that all people, whether ordinary citizens or public officials, are legally responsible for their actions. No one is supposed to be able to break the law and get away with it.

This is why the Constitution allows for the impeachment—the removal—of public officials, including the President of the United States, if they are found to have broken the law.

Second, rule of law means due process of the law. This means that there exists a set of consistent legal rights based on established rules that must be respected. This makes the law “fair” for everyone.

For example, if arrested, every criminal suspect is read these famous words: “You have the right to remain silent. Anything you say can and will be used against you in a court of law.”

In 1966, the Supreme Court decided in Miranda vs. Arizona that all criminal suspects under arrest deserve to have their rights read to them before they can be questioned by police.

In addition, no suspect can be held in custody long-term without being told what the charges against him are, and without being shown the evidence against him. These
rights are guaranteed in the Sixth Amendment to the Constitution.
If these rights are violated, or ignored, so is the principle of rule of law.
1.8 Principles of Rule of Law

Notes:

Third, rule of law means the consistent application of the law to all people. Every person should be treated the same by the legal system no matter who they are or how much money they have.

For example, all criminal defendants are entitled to legal representation—the aid of a lawyer—even if they cannot afford it. The Supreme Court decided this in 1963 in the decision *Gideon vs. Wainwright*.

Fourth, rule of law means enforcement of the law. Once laws have been established, governments have a duty to effectively enforce them, preventing crime and violence. This includes police protection, and the guarantee that citizens will be treated fairly and respectfully by the police.

Fifth and last, rule of law means the transparency of legal institutions. If something is *transparent*, you can see through it.

That’s what the court system should be like. Trials take place in public, not in secret, and what happens in court becomes part of the public record.

Furthermore, all citizens have a right to know exactly what the laws are so they can be sure to follow them.
### 1.9 Practice – Principles of Rule of Law

**Notes:**

Pick the right answer choices from the drop-down menus on the right to match the principles of rule of law found on the left.

<table>
<thead>
<tr>
<th>Principles of Rule of Law</th>
<th>Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent application of the law</td>
<td>Everyone should be treated the same by the legal system.</td>
</tr>
<tr>
<td>Accountability before the law</td>
<td>All people are legally responsible for their actions.</td>
</tr>
<tr>
<td>Transparency of legal institutions</td>
<td>Trials take place in public, and the laws are known to all.</td>
</tr>
<tr>
<td>Enforcement of the law</td>
<td>Governments have a duty to prevent crime and violence.</td>
</tr>
<tr>
<td>Due process of the law</td>
<td>A consistent set of legal rights makes the law “fair” for all.</td>
</tr>
</tbody>
</table>

**Feedback when correct:**

Nice job! You’ve correctly defined the key principles of rule of law.

**Feedback when incorrect:**

The right matches are shown here. Consistent application of the law means everyone should be treated the same by the legal system. Accountability before the law means all people are legally responsible for their actions. Transparency of legal institutions means that trials take place in...
public, and the laws are known to all. Enforcement of the law means that governments have a duty to prevent crime and violence. And due process of the law means a consistent set of legal rights makes the law “fair” for all.
1.10 What If Rule of Law Didn’t Exist?

Notes:

Not all people in the world live under the protections of the rule of law. In fact, throughout most of human history, most people have not.

In the past and the present, certain repressive governments, especially those that aren’t democracies, have abused their power over their people.

Even societies that have rule of law can see it weaken or deteriorate if its principles are not upheld.

Imagine for a moment -- what might your life look like without rule of law?

To start, a repressive government might not give its citizens a say in the lawmaking process. You might not know exactly what the laws are.

Instead of enforcing the laws, the police might arrest people for arbitrary reasons, or because someone in the government wanted them to “disappear.”

Because of this, you might live with the constant fear of arrest for unknown causes.

If you were arrested, you would have no guarantee of a public trial by jury open to scrutiny. Instead, you might be found guilty and sentenced in secret, with no transparency.

At the same time, a different set of legal standards might apply to the leaders themselves, or to the wealthy and influential.

Governments ignore the rule of law to advance their own powers and interests, not those of the people. The scenarios we’re describing still happen around the world in
countries that do not follow rule of law.
Notes:

Read these scenarios carefully. Does each one sound like it takes place in a society that values rule of law or a society where rule of law is violated? Choose one for each scenario.

<table>
<thead>
<tr>
<th>Correct</th>
<th>Choice</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>A rich man is discovered to be a drug dealer. The wealthy citizen simply buys off the police, and charges against him are never filed. - Rule of law is valued</td>
</tr>
<tr>
<td>YES</td>
<td>A rich man is discovered to be a drug dealer. The wealthy citizen simply buys off the police, and charges against him are never filed. - Rule of law is violated</td>
</tr>
<tr>
<td>YES</td>
<td>A college student is caught drinking and driving. She is arrested for DUI, read her rights, and is allowed to speak with her lawyer. - Rule of law is valued</td>
</tr>
<tr>
<td>NO</td>
<td>A college student is caught drinking and driving. She is arrested for DUI, read her rights, and is allowed to speak with her lawyer. - Rule of law is violated</td>
</tr>
<tr>
<td>YES</td>
<td>A career criminal is found guilty of armed robbery by a jury of his peers. He is sentenced by a judge to an extended prison term. - Rule of law is valued</td>
</tr>
</tbody>
</table>
### Correct Choice

<table>
<thead>
<tr>
<th>Correct</th>
<th>Choice</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>A career criminal is found guilty of armed robbery by a jury of his peers. He is sentenced by a judge to an extended prison term. -Rule of law is violated</td>
</tr>
<tr>
<td>NO</td>
<td>After criticizing the president, a journalist is taken in for questioning by the police. No charges are filed, but he is jailed for months without explanation. -Rule of law is valued</td>
</tr>
<tr>
<td>YES</td>
<td>After criticizing the president, a journalist is taken in for questioning by the police. No charges are filed, but he is jailed for months without explanation. -Rule of law is violated</td>
</tr>
</tbody>
</table>

**Feedback when correct:**

You got it! In a society without a strong commitment to rule of law, people might be arrested and jailed for no good reason, or they might buy their way out of legal responsibility for their actions.

**Feedback when incorrect:**

Here are the right answers. In a society without a strong commitment to rule of law, people might be arrested and jailed for no good reason, or they might buy their way out of legal responsibility for their actions. But the other scenarios seem to follow rule of law and due process.
1.12 Case Study: Richard Nixon

Notes:

Now, that we’ve learned about the rule of law and why it’s so important, let’s examine an episode in American history that brought this principle to the forefront.

Throughout the history of the world, and even in the history of the United States, there have been leaders who thought of themselves as above the law. One such leader was President Richard M. Nixon.

Richard Nixon was elected twice and served as president from 1969-1974. He was a Republican.

During Nixon’s 1972 reelection campaign, five burglars were caught breaking in to the Democratic Campaign headquarters in a complex of office buildings called Watergate. One of the burglars had worked for the Nixon campaign.

There has never been evidence to suggest that Richard Nixon had ordered the break in, or that he was aware of it beforehand. But evidence does show that from the start, the president was personally involved in an attempted cover-up.

He used his presidential powers to try to block the investigation into the Watergate scandal. But the investigation uncovered other criminal behavior in the Nixon White House.

“I am not a crook,” said Nixon to the American people on television, in 1973. But evidence continued to come to light suggesting otherwise, as members of his administration resigned or were arrested.
1.13 United States v. Nixon

Notes:

As it turned out, Richard Nixon had audio taped most of his White House conversations, including those about the burglary and cover-up.

The special prosecutor investigating Watergate ordered Nixon to turn over the tapes as evidence.

Nixon refused: it was, he said, “executive privilege” to keep the operations of the presidency a secret.

The case would wind up being decided by the Supreme Court: *United States v. Nixon.*

Before the Court, Nixon’s lawyer basically argued that because the president was the president, he was immune to the judicial process.

In 1974, the Supreme Court disagreed with Nixon’s position and ruled unanimously that the tapes must be surrendered.

Sixteen days later, Richard Nixon resigned from office, the first and only president ever to do so. If he not resigned, he almost certainly would have been impeached and removed from office by Congress.

Several years after his resignation, Nixon was asked if the actions he had taken as president had been illegal. “Well, when the president does it that means that it is not illegal,” he responded.

But Nixon was wrong. By ruling against him in *U.S. vs. Nixon,* the Supreme Court upheld the principle of rule of law. No one, not even a president, is above the law.
1.14 Practice – Valued or Violated? (Part 2)

Notes:

Like you did before, choose whether the rule of law is valued or violated in each scenario. This time, all the examples deal with people in government.

<table>
<thead>
<tr>
<th>Correct Choice</th>
<th>Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>The mayor is caught stealing money from his city’s treasury. He is placed under arrest and is informed of the charges against him. -Rule of law is valued</td>
</tr>
<tr>
<td>NO</td>
<td>The mayor is caught stealing money from his city’s treasury. He is placed under arrest and is informed of the charges against him. -Rule of law is violated</td>
</tr>
<tr>
<td>NO</td>
<td>The governor’s wife is caught speeding and gets a ticket. Her husband the governor calls his friend on the police force to get rid of the fine. -Rule of law is valued</td>
</tr>
<tr>
<td>YES</td>
<td>The governor’s wife is caught speeding and gets a ticket. Her husband the governor calls his friend on the police force to get rid of the fine. -Rule of law is violated</td>
</tr>
<tr>
<td>Correct</td>
<td>Choice</td>
</tr>
<tr>
<td>---------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>YES</td>
<td>An FBI agent has been arrested for treason and is awaiting trial by a jury of her peers. -Rule of law is valued</td>
</tr>
<tr>
<td>NO</td>
<td>An FBI agent has been arrested for treason and is awaiting trial by a jury of her peers. -Rule of law is violated</td>
</tr>
<tr>
<td>NO</td>
<td>A federal judge accepts a bribe from a wealthy defendant in exchange for preferential treatment. -Rule of law is valued</td>
</tr>
<tr>
<td>YES</td>
<td>A federal judge accepts a bribe from a wealthy defendant in exchange for preferential treatment. -Rule of law is violated</td>
</tr>
</tbody>
</table>

Feedback when correct:

Well done! You clearly understand the characteristics of a society that values rule of law.

Feedback when incorrect:

Here are the right answers. Public officials and their spouses shouldn’t be able to act illegally without any consequences. But as long as rule of law is followed, it’s perfectly appropriate to hold those in government to the same legal standards as all other citizens.
1.15 Final Practice

Notes:

For your final practice, you’ll type an answer to this prompt in the box below.
In one full paragraph, define rule of law in your own words, and then list some of the characteristics of a society that values rule of law.
Take your time to type your answer, and then click Submit when you’re done for feedback. Good luck!

Feedback:

Thank you for typing your response! Did you include some of these points in your answer?

Rule of law means no one is above the law.
The law applies equally to everyone.
Characteristics include:
Accountability before the law
Due process of the law
Consistent application of the law
Enforcement of the law

Transparency of legal institutions

If your answer contained some or most of these points, excellent work!
1.16 Lesson Review

Notes:

Let’s review what we have learned today!

In this tutorial, you learned to define rule of law, a key principle of American democracy. You distinguished between societies with rule of law and those without it. You learned about several key principles underlying rule of law. And you analyzed the case study of Richard Nixon, an American president who considered himself above the law and was forced to resign his office as a result. It’s been a pleasure learning with you today!
Credits (Slide Layer)

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  - https://commons.wikimedia.org/wiki/File:Theodore_Roosevelt_Signature.svg
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  - https://www.youtube.com/watch?v=1S090L0NRM

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