



The Florida Joint
Center for Citizenship
A Partnership for Florida's Civic Health



LOU
FREY
INSTITUTE
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at the UNIVERSITY OF CENTRAL FLORIDA



Highlights: The Rule of Law

SS.7.C.1.9

Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems.

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The Rule of Law in a Democracy

The principle of the rule of law dominates the formation of government institutions in democracies. There are several ways that the people rule through their government including, but not limited to:

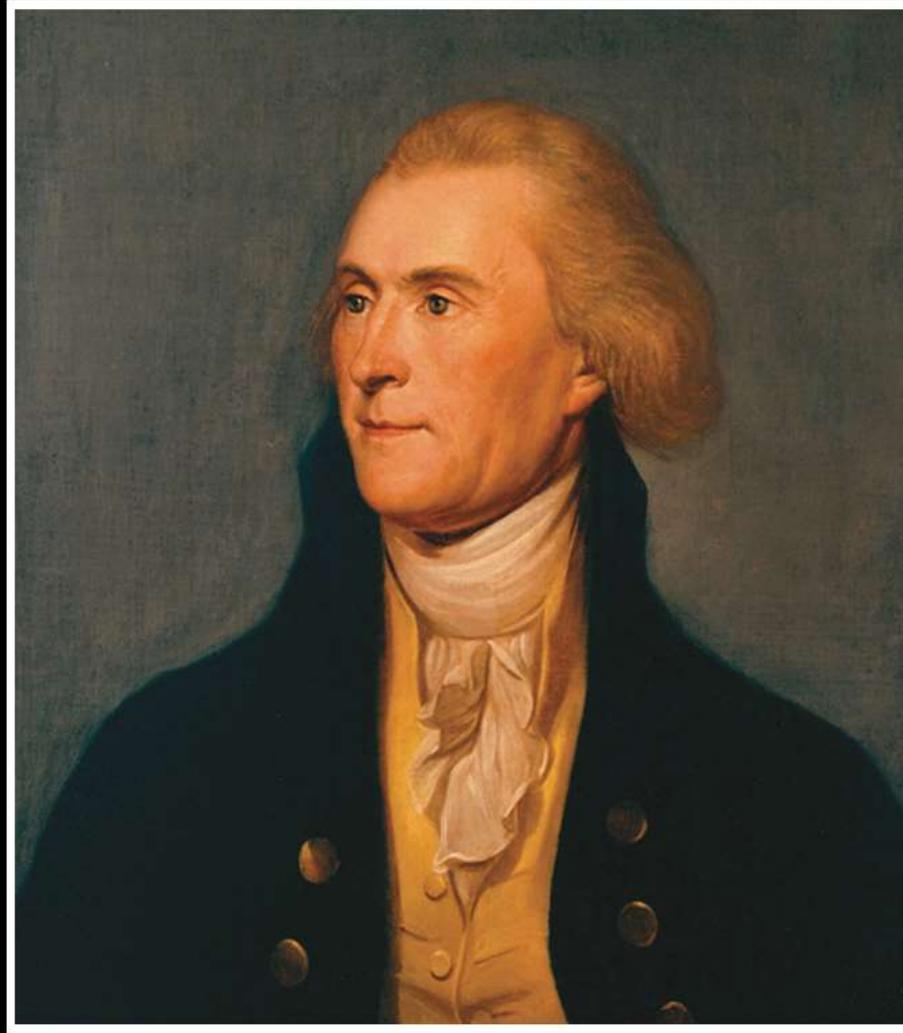
1. Electing their legislators and chief executives
2. Using their protected freedoms such as speech, peaceable assembly and petitioning the government
3. Exercising their responsibilities as citizens

In a democracy, the government is responsible for protecting all citizens from arbitrary and abusive uses of government power through the rule of law.

Not all aspects of the rule of law are applied equally, such as to non-citizens, minors and the mentally disabled.



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RULE OF LAW

“In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution”

10/8/2019



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RULE OF LAW

“One of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle.” - James Otis

10/8/2019



The Rule of Law in the United States Constitution

Evidence of Rule of Law	Location	Example
U.S. Constitution	Articles I, II, III (see Benchmark 3.3)	Separation of Powers Checks and Balances
Bill of Rights	First Amendment (rights of expression) (see Benchmark 2.4)	Tinker v. Des Moines (see Benchmark 3.12)
Bill of Rights	4 th , 5 th , 6 th , 8 th Amendments (rights of accused) (see Benchmark 2.4)	Gideon v. Wainwright (see Benchmark 3.12)
14 th Amendment	Due process clause	In re Gault (see Benchmark 3.12)



The Rule of Law on Government Officials and Institutions

Rule of Law Component	Meaning	Example
Accountability to the law	the processes, norms, and structures that hold the population and public officials legally responsible for their actions	Impeachment (see Benchmark 3.3 and Benchmark 3.8)
Fair procedures (due process)	decisions will be made on the basis of a set of established rules that are known	Miranda v. Arizona (1966) (see Benchmark 3.12)
Decisions based on the law	that a person who is accused of doing something wrong has a right to be told what it is they are said to have done wrong and to be shown the evidence against them	In all criminal prosecutions, the accused shall enjoy the right ...to be confronted with the witnesses against him... (Amendment VI, excerpt)

The Rule of Law on Government Officials and Institutions

Rule of Law Component	Meaning	Example
Consistent application	each person should be treated in the same way by the legal system no matter who they are	Gideon v. Wainwright (1963) (see Benchmark 3.12)
Enforcement of the law	the state must effectively prevent crime and violence of every sort	Government services include police protection.
Transparency of institutions	the legal system is seen and understood by the general public	In all criminal prosecutions, the accused shall enjoy the right to a ... public trial, by an impartial jury...(Amendment VI, excerpt)



