



# FLORIDA JOINT CENTER FOR CITIZENSHIP

## 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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## *Lesson Summary*

### ***Essential Questions***

What does “rule of law” mean? What is the impact of the “rule of law” on society?

### ***NGSSS Benchmark***

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.

### ***Florida Standards***

LAFS.68.RH.1.2      LAFS.68.RH.3.7      LAFS.68.WHST.1.2      LAFS.68.WHST.4.10  
LAFS.7.SL.1.1      LAFS.7.SL.1.2      LAFS.7.SL.2.4      MAFS.K12.MP.1.1

### ***Overview***

In this lesson, students will understand the concept of “rule of law” and why we have laws, focusing on the notion that all citizens are subject to the law.

### ***Learning Goals/Benchmark Clarifications***

- Students will distinguish between the characteristics of a society that operates under the rule of law and one that does not.
- Students will assess the importance of the rule of law in protecting citizens from arbitrary and abusive uses of government power.
- Students will evaluate the impact of the rule of law on governmental officials and institutions (accountability to the law, fair procedures, decisions based on the law, consistent application, enforcement of the law, and transparency of institutions).

### ***Benchmark Content Limits***

- Items will not require students to judge the appropriateness of specific laws.

### ***Civics EOC Reporting Category***

Reporting Category 1 – Origins and Purposes of Law and Government

### ***Suggested Time Frame***

- Four 45-50 minute class periods

### ***Civics Content Vocabulary***

- citizen, law, rule of law

### ***Instructional Strategies***

Video as text      Guided discussion      Role-play      Reading complex text

### ***Materials***

Computer with internet to project websites, videos, and student activity sheets

Copies of the U.S. Constitution and Bill of Rights: <http://constitutioncenter.org/media/files/constitution-full-text.pdf>

Art supplies for “Illustrators” role during guided discussion

Student activity sheets and reading materials:

- Video Viewing Guide and Guided Discussion
- Rule of Law activity sheets: Skits 1-6, Did You Get It? Skit Reinforcement, and Rule of Law Graphic Organizer from iCivics: <http://www.icivics.org/teachers/lesson-plans/rule-law>
- Rule of Law Case Studies

**Lesson Activities and Daily Schedule**

Please use the chart below to track activity completion.

<b>Day</b>	<b>Task #</b>	<b>Steps in Lesson</b>	<b>Description</b>	<b>Completed? Yes/No</b>
<b>Day One</b>	Task 1	1-6	Hook Activity	
	Task 2	7-10	Rule of Law Video	
	Task 3	11-19	Video Guided Discussion	
<b>Day Two</b>	Task 4	20	Checking for Understanding A	
	Task 5	21-30	Rule of Law Skits	
<b>Day Three</b>	Task 5	21-30	Rule of Law Skits (continued)	
	Task 6	31-39	Rule of Law Graphic Organizer	
<b>Day Four</b>	Task 7	40-45	Rule of Law Case Studies	
	Task 8	46	Checking for Understanding B	

### *Suggested Student Activity Sequence*

1. To begin this lesson, list the following questions on the board: “What is the definition of law? How do laws differ from rules? Who makes laws? (government) Who makes rules? (private parties – e.g., government agencies, schools, parents) Where do laws and rules apply? What are some laws you have encountered today? (traffic laws, consumer laws, environmental laws, mandatory school attendance laws) Why do we have laws? (promote order and stability -- prevent confusion/disorder; protect human rights; promote fairness; promote values; resolve conflicts; represent will of majority; protect rights of minorities; protect environment; govern relations between and among individuals and groups)
2. Instruct students to write the questions on their own notebook paper and brainstorm answers for each question independently.
3. Have students share out and review the answers as a whole class.
4. Show students the following clip from the movie Frost/Nixon depicting the 1977 interview between President Richard Nixon and journalist David Frost:  
[https://www.youtube.com/watch?v=L\\_0Icc6cmRk](https://www.youtube.com/watch?v=L_0Icc6cmRk).
5. Project the following quotations from Presidents John Adams and Richard Nixon:  
*“a government of laws and not of men.” - John Adams*  
*“When the President does it, it is not illegal.” – Richard Nixon*
6. Pose the following questions to students and instruct them to write a brief response: “Based on both quotes, how would you summarize John Adams’ and Richard Nixon’s points of view? Are they similar or different?”
7. Write the phrase “rule of law” on the board and instruct students to brainstorm and share out what they think this phrase means.
8. Explain to students that they will watch a video explaining the concept of “rule of law” in detail.
9. Pass out the “Video Viewing Guide and Guided Discussion” student activity sheet and explain to students that they will take notes on the following questions while watching the video:
  - According to the video, what does the rule of law mean?
  - How does the rule of law protect citizens?
  - How does the rule of law impact lawmakers and courts?
10. Play the following “The Law Rules” video about the rule of law from the Center for Teaching the Rule of Law: <https://www.youtube.com/watch?v=DEFB8WBIw5A>. Teacher note: This video was moved from the organization’s homepage to their YouTube page. This is a 11:20 minute video; you can stop the video at the 8:30 mark. The Virginia Bar Association produced this video and although the video references Virginia court cases and examples, the general principles and ideas pertain to the entire country.
11. After the video, arrange the desks in a circle. Teacher Note: If your class furniture does not allow for the circle arrangement, divide the room so that half the students are on one side and the other half are on the other side.
12. Explain to students that they will complete a guided discussion activity. Explain that in this guided discussion each student will be assigned a role and responsibility. Students will be one of the following:
  - Commentator – In this role, students will use the evidence they gathered from the video to respond to the “Video Viewing Guide” questions.
  - Observer/Recorder – In this role, students will record the responses of the Commentators and

make connections between the Commentators' answers and the real world. They will also prepare answers for any questions that are raised by the Commentators.

- Illustrators – In this role, students will listen to the responses by the Commentators and create a visual representation of the comments they hear.
13. Assign one side of the circle the role of “Commentator.” Assign the other side the role of “Observer/Recorder.” Within the “Observer/Recorder” group, assign a few students the role of “Illustrator” and provide them with markers and paper. Teacher note: Assign yourself the role of “Facilitator.” In this role, your task is to keep time and move students along through the discussion by limiting student responses to 30 seconds.
  14. Project the guiding questions from the video.
  15. Instruct all of the students in the Commentators role to respond to one or more of the video guiding questions, one at a time. While the Commentators are responding, the Observers/Recorders need to record the comments they hear on their activity sheet and try to identify connections between their comments and the real world (school, family, personal experience, and/or current events). Instruct the “Illustrators” to create visual representations of the comments they hear. This can be in the form of cartoons, symbols, drawings, etc.
  16. Explain that a Commentator may “pass” the first time when his or her turn comes to speak, but everyone must comment once before this segment of the activity ends. Explain that Commentators may ask questions, but the Facilitator may not answer them; that is the responsibility of the students assigned to the Observer/Recorder role.
  17. Instruct the Observers/Recorders to respond to any comments or questions from the Commentator group and to share their connections between the video and the real world. Instruct the “Illustrators” to share their visual representations.
  18. Guide the discussion by using some of the key points from the video:
    - We are a nation of laws ... not a nation of people.
    - All citizens are treated fairly and equally under the same set of laws.
    - Laws allow people to enjoy a peaceful existence with others.
    - U.S. laws are based on the Constitution and protected by the courts.
    - No one is above the law ... no one is below the law.
    - The “rule of law” is like the rules of the road ... individuals must follow the laws to protect the safety of all.
    - The “rule of law” is an agreement that everyone will play by the rules.
    - We are governed by rules that are in the best interest of our country ... not in the best interest of us personally.
    - In America, we follow the “rule of law.” We do not serve men or women; we serve “the law.”
  19. Debrief the activity with the students by posing the following question for discussion: “Has your understanding or answers to the video guiding questions changed after this activity?”
  20. Checking for Understanding A (Formative Assessment):

Instruct students to write a well-crafted informative response to the following prompt:

Prompt

Use evidence from the video to explain the concept of “rule of law.” As part of the explanation, explain how the rule of law protects citizens.
  21. Explain to students that they will be applying their knowledge of the rule of law by performing and

watching skits.

22. Explain to students that they will learn about six factors that make up the rule of law, and there will be one skit for each factor. Explain that the skits will show what would happen if there was NO rule of law. Teacher note: These factors were adapted from the U.S. Agency for International Development.
23. Move students into skit groups and assign each group a “Skit Script” from the iCivics Rule of Law Lesson: <http://www.icivics.org/teachers/lesson-plans/rule-law>. Teacher note: There are six different scripts and the amount of roles for each skit varies; be sure to preview the scripts before breaking students into groups.
24. Allow the groups to read and practice the skits for 10 minutes.
25. Regroup the class and distribute a “Did You Get it? Skit Reinforcement” student activity sheet to each student.
26. Begin the skit performances with “Skit #1: Order and Security.”
27. Instruct students to turn their attention to their “Did You Get It? Skit Reinforcement” activity sheet and answer the questions for “Skit #1: Order and Security.”
28. Review as a whole class.
29. Complete this process for the remaining skits.
30. Pose the following questions for discussion: “The skits gave us examples of a society with no rule of law, how would these skits be different if they were examples of a society with a rule of law? (sense of order, fairness, equal application of the law) How would your character’s actions change? In general, what does a society with a rule of law look like? What are some examples from real life?”
31. Pass out the “Rule of Law Graphic Organizer” student activity sheet from iCivics to each student.
32. Instruct students to use the bold words on the “Did You Get It? Skit Reinforcement” activity sheet to fill in the blanks on the “Rule of Law Graphic Organizer” activity sheet.
33. Provide time for students to complete the activity sheet. Teacher note: If additional support is needed, have students complete the “Review Worksheet, Pages 1 and 2” student activity sheets.
34. Direct student attention to the titles on the “Rule of Law Graphic Organizer” activity sheet. Share with the students the following alternative titles for each and provide additional key points on each title using the Essential Content Background section:
  - Accountability to the law – Checks and balances
  - Fair procedures – procedural fairness
  - Decisions based on the law - legitimacy
  - Consistent application – equal application of the law
  - Enforcement of the law – order and security
  - Transparency of institutions – access to justice
35. Instruct students to add the alternative titles and additional notes to their activity sheet.
36. Instruct students to write a statement summarizing the six factors of the rule of law in their own words and on their own notebook paper.
37. Project the quotation from President John Adams from the beginning of the lesson:  
*“I prefer a government of laws and not of men.” - John Adams*
38. Pose the following questions for discussion: “Based on evidence from the video and what you have learned from the skits, why do you think President Adams would make this statement? What might occur with a government of men? What is the impact of the rule of law on government?”
39. Lead students to the understanding that the “rule of law” creates a government where people and

institutions are accountable to the law, fair procedures are used, decisions are based on the law and these decisions are applied consistently. The “rule of law” protects citizens from governments unnecessarily or randomly abusing laws.

40. Explain to students that they will be looking at case studies related to the rule of law.
41. Move students into small working groups and pass out “Case Study #1” to half of the groups and “Case Study #2” to the other half.
42. Instruct students to work in their groups to preview the guiding questions, read their “Case Study,” answer the guiding questions and select a spokesperson to share the group’s case with the rest of the class.
43. Provide time for the groups to share a summary of their case study by answering the following questions:
  - What is their case study about?
  - What amendment was at issue in the case study?
  - What was the problem in the case study scenario?
  - What did the group decide the court’s ruling should be?
44. Instruct students to take notes on each case study on their own notebook paper. Teacher note: Utilize the Sample Answers section to ensure that students are providing accurate information.
45. Share the outcome of each court case with the class after each case study has been presented and pose the following questions for discussion: “What evidence or reasons from the case did you find that could support the courts decision? Do you agree or disagree with the outcome of the case?”
46. Checking for Understanding B (Formative Assessment)  
Instruct students to write a well-crafted informative response to the following prompt:  
Prompt  
President Theodore Roosevelt made the following statement: “*No man is above the law and no man is below it...*” Using what you have learned in this lesson and citing specific examples from the videos and lesson activities, explain this quote in your own words and how it relates to the concept of rule of law.

**Video Viewing Guide & Guided Discussion**

<b>Rule of Law Video</b>	<b>Specific Evidence from the Video</b>	<b>Complete Sentence</b>
<b>According to the video, what does the rule of law mean?</b>		
<b>How does the rule of law protect citizens?</b>		
<b>Guided Discussion Notes</b>		

# Rule of Law

Name: \_\_\_\_\_



## Skit #1: Order and Security

### Roles:

Friend #1  
Friend #2  
Robber  
Officer

### Summary:

Two friends are attacked by a robber on the street. After searching for half an hour, they finally find a police officer. The police officer doesn't know how to help them. Even when the officer catches the robber, there is no jail where the officer can keep the robber, and the officer does not have the skills to figure out what is going on. The officer suggests the injured friend seek justice through a local council instead of in the court system.

### Skit:

**FRIEND #1:** You always want to go to the mall. Let's go see a movie this time.

**FRIEND #2:** But the movie will get out after dark, and it's too dangerous to be on the street after dark.

**FRIEND #1:** It's always dangerous on the street! I mean, even right now we could—Hey!

[Robber comes up.]

**ROBBER:** Give me all your money!

**FRIEND #1:** I don't have any money!

**ROBBER:** The watch! Give me the watch! [robber gets into a fight with Friend #1, and Friend #1 is badly injured]

**FRIEND #1:** Okay, okay! Take the watch. [Friend #1 removes his watch]

[Robber takes watch and runs away.]

**FRIEND #2:** Help! Police!

**FRIEND #1:** There aren't any police around here.

**FRIEND #2:** Let's try to find one. Can you walk?

**FRIEND #1:** I think so. [they walk]

**FRIEND #1:** We've been looking for half an hour, and there's no—

**FRIEND #2:** There! Help! Police!

[Officer comes over]

**FRIEND #2:** Officer! Help! Someone robbed and beat up my friend.

**OFFICER:** Do you know where he is?

**FRIEND #1:** No. He ran away.

**OFFICER:** Hm. Don't know what I can do, then.

**FRIEND #2:** Find him!

**OFFICER:** In this city? I wouldn't know where to start. And even if I found him, what would I do with him? We don't have anywhere to put him. The jail has been shut down for years.

**FRIEND #2:** You can't do anything?

**FRIEND #1:** Hey! There he is!

[Officer runs after Robber and catches him by the arm.]

**OFFICER:** This is the guy?

**FRIEND #1:** Yes! See? He has my watch!

**OFFICER:** [to robber] Is this your watch?

**ROBBER:** Yes. My mother gave it to me.

**FRIEND #1:** That's a lie!

**OFFICER:** Look. There's no way for me to know who's telling the truth. [lets robber go]

**FRIEND #2:** You're just going to let him go? He needs to be punished!

**FRIEND #1:** And he has my watch!

**OFFICER:** Take it up with the local council. They can figure out what to do.

**FRIEND #1:** I don't want to go to the council. I want to go to court.

**OFFICER:** The council is better for this kind of thing.

**FRIEND #1:** So you're not going to do anything?

**OFFICER:** [shrugs] Nothing I can do. You'll have to solve it yourself, or talk to the council.

# Rule of Law

Name: \_\_\_\_\_



## Skit #2: Legitimacy

### Roles:

Builder  
Friend #1  
Friend #2  
Friend #3

### Summary:

One person is building a house while a friend sits and reads the newspaper. When another friend arrives and questions whether the roof looks legal, the builder laughs at the laws that are in place. The laws were borrowed from a different country and do not make sense in this country. But the lawmakers don't care what the citizens need and aren't interested in listening. A third friend arrives, who is breaking the law with his smelly car. But the law is stupid and impossible to follow, so why try?

### Skit:

**FRIEND #2:** What are you building?

**BUILDER:** A house! What does it look like?

**FRIEND #2:** Looks like it's about to fall down, if you ask me. Isn't it against the law to build the roof like that?

**BUILDER:** Yeah, but the law requires tiles. Who's ever seen tiles around here?

**FRIEND #1:** [reading paper] We were just talking about this new building code they passed. What a joke!

**FRIEND #2:** You mean they took a break from lunch long enough to pass a law?

**FRIEND #1:** Ha ha! Guess so. Doesn't have anything to do with us, though. It's all about building fancy hotels and skyscrapers.

**BUILDER:** They make a law about fancy places, but they won't change the law that says I'm supposed to use tiles for my roof. You can't even get tiles in this country!

**FRIEND #2:** That's what you get when you borrow a bunch of laws from some country halfway around the world. They must have plenty of tiles there.

**BUILDER:** [grumbling] Good thing there's no money to pay any inspectors.

**FRIEND #2:** One of these days, we ought to vote those people out of office. When are they going to listen to us about the laws *we* need?

**BUILDER:** Ha! Never, that's when. They don't want input from people like us.

**FRIEND #3:** [drives up in a car] Hey, guys! How's it going?

**FRIEND #1:** Great. Nice set of wheels! Awful lot of smoke coming out of that tailpipe, though.

**FRIEND #3:** I know! Can you believe they said I have to pass an emissions test?

**BUILDER:** With that thing? Good luck!

**FRIEND #3:** I know. Even if I wanted a new car, who's ever seen one for sale in this country?

**FRIEND #1:** Not me. We don't even have any car makers here.

**FRIEND #3:** I can't even get new parts. But the law still says all the cars have to pass emissions. It's stupid.

**FRIEND #2:** You going to do it?

**FRIEND #3:** Heck, no. Why should I?

**FRIEND #2:** Because it's the law?

**FRIEND #3:** Ha ha! Good one! See you around, guys. [speeds off]

# Rule of Law

Name: \_\_\_\_\_



## Skit #3: Checks and Balances

### Roles:

President  
Legislator #1  
Legislator #2  
Legislator #3

### Summary:

The President's friend wants a new law that will help his business make more money. The President asks the legislature to pass the law. He assures the legislators that Bob Smith will reward them for their cooperation. Nobody is worried that the law won't hold up because the court system is too disorganized. Even if someone does take the law to court, the President or the legislators can just bribe the judges.

### Skit:

**PRESIDENT:** Hi, guys. Listen—Bob Smith came to see me. His coal business isn't making enough money, and he wants us to let up on the safety rules. It costs a lot to keep those mines safe. I told him we could pass a law doing away with some of those mine safety rules.

**LEGISLATOR #1:** Maybe we could, but what's in it for us?

**PRESIDENT:** Don't worry. He said he would be sure to take care of you.

**LEGISLATOR #2:** Sounds good to me. What do you want the law to say?

**LEGISLATOR #3:** Wait a minute—can we do that?

**LEGISLATOR #1:** Who's going to stop us?

**LEGISLATOR #3:** The judicial branch. Somebody might challenge the law in court.

**LEGISLATOR #2:** Let them try! The court is so disorganized, it loses track of half the cases.

**LEGISLATOR #1:** Yeah. Most of them never even go to trial. And we hardly have any judges. We may as well not have any judicial branch at all.

**PRESIDENT:** Which makes things a lot easier for us. But don't worry. If someone does challenge the law in court, we'll just do the judge a little favor, if you know what I mean.

**LEGISLATOR #3** [to the President]: Yeah, I know what you mean. But I've got a letter here from a guy who says he voted for me. He works in the coal mines and he says a lot of people are getting hurt. He says we need more safety rules, not less.

**LEGISLATOR #2:** How much money is he going to give us for passing more safety laws?

**LEGISLATOR #3:** Aw, come on. Aren't some things more important than money?

**PRESIDENT:** Look here. You'd better get on board with this or you might not be representing anybody. Bob Smith can do a lot for us. Besides, he's a family friend.

**LEGISLATOR #3:** [Looks at the letter, then at the President] You think he'll let me use his yacht for a couple weeks? My kids could use a vacation.

**LEGISLATOR #1:** Sounds like we're going to get this law passed without any problems.

**PRESIDENT:** Don't you worry. You'll be sunbathing on the waves before you know it. Send me the bill as soon as it's passed, and I'll sign it right away.

# Rule of Law

Name: \_\_\_\_\_



## Skit #4: Equal Application of the Law

### Roles:

Judge  
Thief  
Officer  
Town Mayor

### Summary:

After sentencing a thief to five years of hard labor for stealing potatoes at the market, the judge finds the town mayor waiting in his office. The mayor had a problem at the market, too. He lost his temper with a vendor because of the vendor's high prices. The mayor broke things in the vendor's shop and broke the vendor's arm. Because of the mayor's position, the judge agrees to overlook the offense.

### Skit:

**JUDGE:** I find you guilty of stealing two sacks of potatoes from the market. I sentence you to five years of hard labor and a \$1,000 fine.

**THIEF:** But Your Honor, I don't have any money!

**JUDGE:** Then you should not have broken the law. Case closed! I'm going to take a break.

**THIEF:** Wait! This isn't fair!

**OFFICER:** Settle down. Let's go.

**THIEF:** It was only potatoes! My kids didn't have enough to eat!

**OFFICER:** Be quiet, or I'll have to gag you!

[in the judge's chambers]

**JUDGE:** Hey there! This is a surprise. Good to see you.

**TOWN MAYOR:** Listen. I've got a small problem.

**JUDGE:** Oh?

**TOWN MAYOR:** I had an issue with this vendor at the market. You know how it is. These guys and their prices—they try to get away with murder these days! I might have let my temper get a little out of hand.

**JUDGE:** How out of hand?

**TOWN MAYOR:** I might have broken a few things. Including his arm.

[judge sighs]

**TOWN MAYOR:** Look. I've known you for a long time. Since before you got this job, if you understand my meaning.

**JUDGE:** I understand very well. But you don't need to pull that with me. You're the mayor—I'll take care of things.

**TOWN MAYOR:** That's what I figured, but I wanted to talk to you in person.

**JUDGE:** Doesn't sound to me like there was any problem at the market at all. [laughs] Those vendors should learn how to treat a customer right.

**TOWN MAYOR:** [laughing] I am the mayor, after all!

# Rule of Law

Name: \_\_\_\_\_



## Skit #5: Procedural Fairness

### Roles:

Jail Guard  
Prisoner #1  
Prisoner #2  
Prisoner #3

### Summary:

Three prisoners end up sharing the same cell. One prisoner has been in prison for two years without being told why and without ever seeing a judge. Another prisoner is taken to court after spending only a short time in jail. There is no clear reason why that prisoner gets to go to court when the other one did not. A third prisoner has been jailed for not being able to pay the court fee. The court fee is decided by the judge on a case-by-case basis.

### Skit:

[Jail Guard throws Prisoner #2 into the jail cell, where Prisoner #1 is already living.]

**PRISONER #1** [to the jailer]: Hey! Hey, have you found out anything yet?

**JAIL GUARD**: Not my job to find out things. I just make sure people don't escape.

**PRISONER #1**: Come on—you said you'd try to find out why I'm in jail.

**JAIL GUARD**: Probably because you did something wrong.

**PRISONER #1**: But I didn't do anything! Come on—Can't you find someone who can tell me why I'm here?

**JAIL GUARD**: Shut up and eat your dinner.

[Jail Guard leaves]

**PRISONER #1**: I've been in here for two years and I still can't get them to tell me what's going on. I've never seen a courtroom—nothing.

**PRISONER #2**: Seriously? You mean I could be in here for years without seeing a judge?

**PRISONER #1**: Maybe. But then, I've seen people get out after a few weeks. Who knows why.

**PRISONER #2**: Probably because they've got money. That leaves me out—I got caught stealing a loaf of bread.

[Door opens]

**JAIL GUARD**: You guys have got company.  
[Guard throws another prisoner in the cell.]

**PRISONER #3**: It's not fair! You can't put me in here!

**JAIL GUARD**: Tell it to someone who cares. [shuts the door]

**PRISONER #3**: This is awful. How am I ever going to get out of here?

**PRISONER #1**: Ha. Maybe you won't.

**PRISONER #2**: What happened to you?

**PRISONER #3**: They took me to the judge, but he set the fee for my case really high. Five hundred dollars! I couldn't afford it.

**PRISONER #1**: What crime did you commit?

**PRISONER #3**: I didn't commit a crime. I owe my neighbor money, and she sued me. The judge said since I couldn't pay my neighbor and I couldn't pay the court fee, I had to come here.

**PRISONER #2**: That is so unfair!

**PRISONER #3**: And get this: The guy before me only had to pay \$75 for his case. I don't know how the judge decides what the fee is going to be.

[Door opens]

**JAIL GUARD** [to Prisoner #2]: Hey, you—yes, you. Come on.

**PRISONER #2**: Where are you taking me?

**JAIL GUARD**: They said the judge is ready to hear your case.

**PRISONER #2** [pointing at Prisoner #1]: What about him? He's been in here longer than me.

**JAIL GUARD**: I don't know anything about him. Are you coming or not?

**PRISONER #2**: Good luck, you two...

# Rule of Law

Name: \_\_\_\_\_



## Skit #6: Access to Justice

### Roles:

Tamara (woman with a problem)  
Robert (Tamara's male friend)  
Angela (Tamara's female neighbor)  
Court Clerk  
Man (Files a case in court)

### Summary:

Tamara wants to take a man to court for refusing to stop farming her land, but the local court is almost always closed. The nearest court is in the capital city, but Tamara can't afford to travel that far. When the local court opens for a day, Tamara thinks she'll be able to file her case. But women are not treated the same as men, and as a woman, Tamara did not get enough schooling to be able to read the forms. Without access to justice, Tamara has no way to enforce her rights.

### Skit:

**TAMARA:** I don't know what to do! I've told him a hundred times he can't farm that land. It's my land, but he won't leave.

**ROBERT:** I can think of a few ways you could get him to leave.

**TAMARA:** I'm sure you could. But I don't need to go to prison. [sighs] Maybe the court will open soon.

**ROBERT:** Ha! It's been closed for six months. If you want to take him to court, you'll have to travel to the capital city.

**TAMARA:** I can't afford to travel five hundred miles to the city. They've got to get a judge out here soon. They can't just leave the court closed forever.

**ROBERT:** That would take money. Besides, you would never win. You're a woman.

**TAMARA:** Yeah, you're probably right.

**ANGELA:** Hi, guys! Guess what? I was just in town and the court is open. Can you believe it?

**TAMARA:** Really? Maybe if I go there right now I can file a case.

**ROBERT:** [sarcastically] Good luck.

**ANGELA:** I'll go with you. Let's go.

[Tamara and Angela go to the courthouse]

[at the clerk window]

**TAMARA:** Excuse me. Excuse me!

[clerk ignores her]

**TAMARA:** Excuse me! I want to file a case.

**CLERK:** Fill out this form.

**TAMARA:** Can you help me fill this out? I don't understand it.

**CLERK:** Nope. You've got to do it on your own.

**MAN:** Excuse me. I'd like to file a case.

**CLERK:** You need to get out of the way, ma'am. Fill out this form, sir.

**MAN:** Okay. [takes form and fills it out]

**TAMARA** [to Angela]: I can't read this.

**ANGELA:** I had two years of school. Let me try. [looks at form] I can read some of it, but I don't really understand what it's about. I don't know anything about how the courts work.

**TAMARA** [to clerk]: Isn't there any other way I can see the judge?

**CLERK:** Nope. Sorry.

**TAMARA** [to Angela]: Let's just go. I'll have to find some other way to get that man off my land.

# Rule of Law

Name: \_\_\_\_\_

**Did You Get It?** After you watch each skit, complete the cause/effect activity that goes with the skit.



## SKIT #1: ORDER AND SECURITY

### Causes

- \_\_\_ 1. The victims knew the law enforcement was not effective.
- \_\_\_ 2. The police did not have **procedures** for dealing with crime.
- \_\_\_ 3. Criminals do not face any **consequences**.
- \_\_\_ 4. The police thought the local council was better than the court.

### Effects

- A. People commit crimes knowing they will get away with it.
- B. They could not stop crime or keep order in society.
- C. They did not encourage people to use the courts.
- D. They did not feel **safe** on the streets and they worried about being out after dark.



## SKIT #2: LEGITIMACY

### Causes

- \_\_\_ 1. The laws in this country were borrowed from another country.
- \_\_\_ 2. Lawmakers only pass laws to help their friends.
- \_\_\_ 3. People are expected to follow the law even though it was sometimes impossible.

### Effects

- A. The rest of the people the lawmakers represent have no **input** in the lawmaking process.
- B. The laws do not meet the needs of the people in this country, and people do not see them as **worthy** of following.
- C. Citizens do not **respect** the law because they don't see it as **fair** and reasonable.



## SKIT #3: CHECKS AND BALANCES

### Causes

- \_\_\_ 1. The judicial branch is disorganized and doesn't have enough judges.
- \_\_\_ 2. Lawmakers are only interested in what they can get from the wealthy.
- \_\_\_ 3. The lawmakers do what the President wants them to.
- \_\_\_ 4. Judges are willing to take favors from lawmakers.

### Effects

- A. It cannot **function** effectively.
- B. The judicial system is not **independent** from the lawmaking branch.
- C. Power is not really **divided** between the legislative and executive branches.
- D. They do not care about the other **people** they represent.

# Rule of Law

Name: \_\_\_\_\_

Did You Get It? (Continued...)



## SKIT #4: EQUAL APPLICATION OF THE LAW

### Causes

- \_\_\_ 1. The judge saw the mayor as being too important to punish.
- \_\_\_ 2. The poor person was not able to influence the judge.
- \_\_\_ 3. The mayor knew he could control the judge.

### Effects

- A. He did not think he needed to obey the law.
- B. In court, he was not treated the **same** as a rich or influential person would have been.
- C. He let the mayor be **above** the law.



## SKIT #5: PROCEDURAL FAIRNESS

### Causes

- \_\_\_ 1. There were no **rules** for bringing prisoners to court quickly.
- \_\_\_ 2. The government did not have to **follow** set procedures.
- \_\_\_ 3. No law required that prisoners be told why they are being held.

### Effects

- A. One prisoner didn't know why he was in jail.
- B. The prisoners had no idea how long they would be in jail.
- C. Every case proceeded differently, and the legal system was not **fair**.



## SKIT #6: ACCESS TO JUSTICE

### Causes

- \_\_\_ 1. Tamara and Angela did not have much education.
- \_\_\_ 2. The nearest court was too far away.
- \_\_\_ 3. The man who came to court had an easier time than Tamara did.
- \_\_\_ 4. Tamara was not able to file a case.

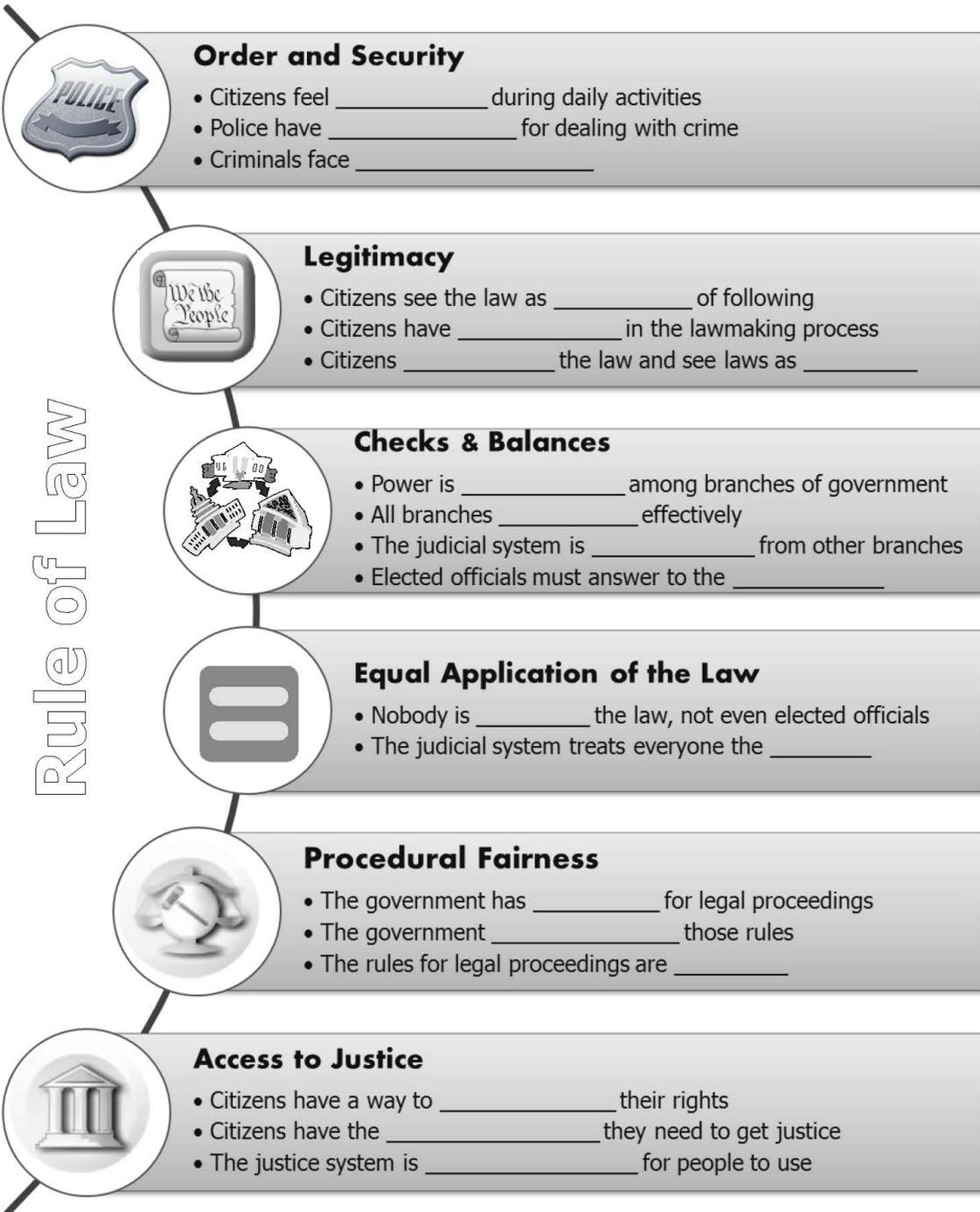
### Effects

- A. She had no way to **enforce** her rights.
- B. Men had easier access to justice than women.
- C. They did not have the **knowledge** to understand the court system.
- D. No court was **available** where Tamara could seek justice.

# Rule of Law

Name: \_\_\_\_\_

**Organize.** Use the **bold words** in each cause/effect skit activity to complete the chart below:



# Rule of Law

Name: \_\_\_\_\_

**Rule of Law—Where Does It Come From?** Our nation was built on the rule of law. Read each statement below and decide which Rule of Law factor it describes.

**O** = Order and Security

**L** = Legitimacy

**C** = Checks and Balances

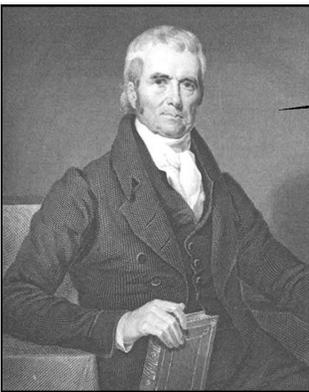
**E** = Equal Application of the Law

**P** = Procedural Fairness

**A** = Access to Justice

- \_\_\_1. Every state sent representatives to help write the U.S. Constitution, and all of those representatives signed the Constitution when it was finished.
- \_\_\_2. The 14<sup>th</sup> Amendment to the U.S. Constitution says that states must give everyone "the equal protection of the laws."
- \_\_\_3. The 6<sup>th</sup> Amendment to the U.S. Constitution says that people accused of a crime have the right to have a lawyer help them defend themselves.
- \_\_\_4. The Preamble to the U.S. Constitution says one goal of the Constitution is to make sure our country is secure and peaceful.
- \_\_\_5. The U.S. Constitution splits the government's power between a legislative, an executive, and a judicial branch.
- \_\_\_6. The U.S. Constitution says that people accused of a crime have the right to a "speedy" trial.
- \_\_\_8. In the case *Marbury v. Madison* in 1803, the Supreme Court said that the judicial branch has the power to strike down laws that violate the Constitution, even though another branch of government passed that law.
- \_\_\_7. Congress has created the Federal Rules of Criminal Procedure, which lists the procedures that must be followed in every criminal case.
- \_\_\_9. The U.S. Constitution did not become the law of our nation until nine states approved it.
- \_\_\_10. Every state has laws that say children must go to school until a certain age.
- \_\_\_11. In the case *Marbury v. Madison* in 1803, the Supreme Court said that the Constitution is superior to all other laws and even the government must follow it.
- \_\_\_12. The U.S. Constitution says that nobody can be "deprived of life, liberty, or property without due process of law."

**Explain It to a 4th Grader.** In 1803, Chief Justice John Marshall wrote the Supreme Court's decision in *Marbury v. Madison*. He had something to say about the rule of law. How would you explain it so a little kid could understand?



"The government of the United States has been ... termed a government of laws, and not of men."

Chief Justice Marshall was trying to say that...



# Rule of Law

Name: \_\_\_\_\_

**Fun with Rule of Law!** Find 20 key words in the puzzle.



First, find the 6 factors of Rule of Law:

- \_\_\_\_\_ and \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_ and \_\_\_\_\_
- \_\_\_\_\_ Application of the \_\_\_\_\_
- Procedural \_\_\_\_\_
- \_\_\_\_\_ to \_\_\_\_\_

Now find these other key terms:

- |              |             |
|--------------|-------------|
| INPUT        | RESPECT     |
| PROCEDURES   | BRANCHES    |
| SAFE         | ENFORCE     |
| CONSEQUENCES | INDEPENDENT |
| RULES        | PEOPLE      |



**Would This Work?** Debra doesn't think so, but she might be wrong. Look at each pair of Rule of Law factors. Would it be possible to have one without the other? If so, how? Watch out—this could be a brain twister! Use your graphic organizer for help.

<u>CHECKS &amp; BALANCES / EQUAL APPLICATION OF THE LAW</u>	<u>ACCESS TO JUSTICE / PROCEDURAL FAIRNESS</u>
<input type="checkbox"/> You could have one without the other if... <input type="checkbox"/> They have to exist together because...	<input type="checkbox"/> You could have one without the other if... <input type="checkbox"/> They have to exist together because...

## Rule of Law Case Study #1

A judge issued a warrant for Glen's arrest based on a robbery and when police attempted to execute the warrant at the address listed on the warrant, the residents of that address gave the police a different address where they could find Glen. When the police knocked on the door of the new address, which belonged to Glen's grandparents, Glen answered the door. The police immediately arrested Glen and read him the Miranda warnings. The police then entered the home and asked Glen's grandfather, Mr. Brooks, if he owned the home. Mr. Brooks said that he did and that Glen lived with him but did not pay rent. Mr. Brooks gave the police permission to search Glen's room. The police did not get Glen's permission to search his room but he did tell the police which rooms he had slept in. In one of those bedrooms, the police found a backpack that had no clear indicators of who owned it (like a monogram or nametag) and was unlocked. The police searched the backpack and found evidence of the robbery. Glen admitted that the backpack was his and claimed that he found the evidence.

Listed below is the text of the Fourth Amendment. What does the Fourth Amendment protect?

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

How is this case related to the Fourth Amendment?

What do you think the court held in this case? Could the police officer search the backpack?

*Based on Glenn v. Commonwealth, 275 Va. 123, 654 S.E.2d 910 (2008).* <http://www.thecenterforruleoflaw.org/case-7.html>

## Rule of Law Case #2

The police brought Shawn, who is 14 years old, to the police station because he was the main suspect in a murder that happened around 3 a.m., approximately two hours earlier. The police read Shawn his Miranda warnings two times, but he waived them both times. One of the detectives asked Shawn twice if he wanted his parents present, but Shawn refused both times. Shawn had never been in trouble with law enforcement before. He was not under the influence of alcohol or drugs. Shawn was a fluent English speaker and had completed eighth grade. Shawn then confessed to the murder and, right after doing so, again told the police that he understood his rights.

Listed below is the text of the Fifth Amendment. What does the Fifth Amendment protect?

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

How is this case related to the Fifth Amendment?

How do you think the court ruled when Shawn tried to take back his confession?

*Based on Rodriguez v. Commonwealth, 40 Va. App. 144 (2003).* <http://www.thecenterforruleoflaw.org/case-10.html>

## **Sources**

Frost/Nixon Interview Clip: [https://www.youtube.com/watch?v=L\\_0Icc6cmRk](https://www.youtube.com/watch?v=L_0Icc6cmRk)

The Center for Teaching the Rule of Law, The Law Rules video:

<https://www.youtube.com/watch?v=DEFB8WBIw5A>

Rule of Law Lesson Plan from iCivics: <http://www.icivics.org/teachers/lesson-plans/rule-law>

U.S Constitution Text: <http://constitutioncenter.org/media/files/constitution-full-text.pdf>

Street Law at the University of Washington Law School:

<http://www.law.washington.edu/Streetlaw/lessons.aspx#introlaw>

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<http://www.thecenterforruleoflaw.org/case-10.html>

John Adams Quote: <http://www.john-adams-heritage.com/quotes/>

Theodore Roosevelt Quote:

[http://www.theodoreroosevelt.org/site/c.eIKSIdOWIiJ8H/b.9297493/k.7CB9/Quotations\\_from\\_the\\_speeches\\_and\\_other\\_works\\_of\\_Theodore\\_Roosevelt.htm](http://www.theodoreroosevelt.org/site/c.eIKSIdOWIiJ8H/b.9297493/k.7CB9/Quotations_from_the_speeches_and_other_works_of_Theodore_Roosevelt.htm), Accessed April 2013

# Rule of Law

Name: \_\_\_\_\_

**Did You Get It?** After you watch each skit, complete the cause/effect activity that goes with the skit.



## SKIT #1: ORDER AND SECURITY

### Causes

- D 1. The victims knew the law enforcement was not effective.
- B 2. The police did not have **procedures** for dealing with crime.
- A 3. Criminals do not face any **consequences**.
- C 4. The police thought the local council was better than the court.

### Effects

- A. People commit crimes knowing they will get away with it.
- B. They could not stop crime or keep order in society.
- C. They did not encourage people to use the courts.
- D. They did not feel **safe** on the streets and they worried about being out after dark.



## SKIT #2: LEGITIMACY

### Causes

- B 1. The laws in this country were borrowed from another country.
- A 2. Lawmakers only pass laws to help their friends.
- C 3. People are expected to follow the law even though it was sometimes impossible.

### Effects

- A. The rest of the people the lawmakers represent have no **input** in the lawmaking process.
- B. The laws do not meet the needs of the people in this country, and people do not see them as **worthy** of following.
- C. Citizens do not **respect** the law because they don't see it as **fair** and reasonable.



## SKIT #3: CHECKS AND BALANCES

### Causes

- A 1. The judicial branch is disorganized and doesn't have enough judges.
- D 2. Lawmakers are only interested in what they can get from the wealthy.
- C 3. The lawmakers do what the President wants them to.
- B 4. Judges are willing to take favors from lawmakers.

### Effects

- A. It cannot **function** effectively
- B. The judicial system is not **independent** from the lawmaking branch.
- C. Power is not really **divided** between the legislative and executive branches.
- D. They do not care about the other **people** they represent.

# Rule of Law

Name: \_\_\_\_\_

Did You Get It? (Continued...)



## SKIT #4: EQUAL APPLICATION OF THE LAW

### Causes

- C 1. The judge saw the mayor as being too important to punish.
- B 2. The poor person was not able to influence the judge.
- A 3. The mayor knew he could control the judge.

### Effects

- A. He did not think he needed to obey the law.
- B. In court, he was not treated the **same** as a rich or influential person would have been.
- C. He let the mayor be **above** the law.



## SKIT #5: PROCEDURAL FAIRNESS

### Causes

- B 1. There were no **rules** for bringing prisoners to court quickly.
- C 2. The government did not have to **follow** set procedures.
- A 3. No law required that prisoners be told why they are being held.

### Effects

- A. One prisoner didn't know why he was in jail.
- B. The prisoners had no idea how long they would be in jail.
- C. Every case proceeded differently, and the legal system was not **fair**.



## SKIT #6: ACCESS TO JUSTICE

### Causes

- C 1. Tamara and Angela did not have much education.
- D 2. The nearest court was too far away.
- B 3. The man who came to court had an easier time than Tamara did.
- A 4. Tamara was not able to file a case.

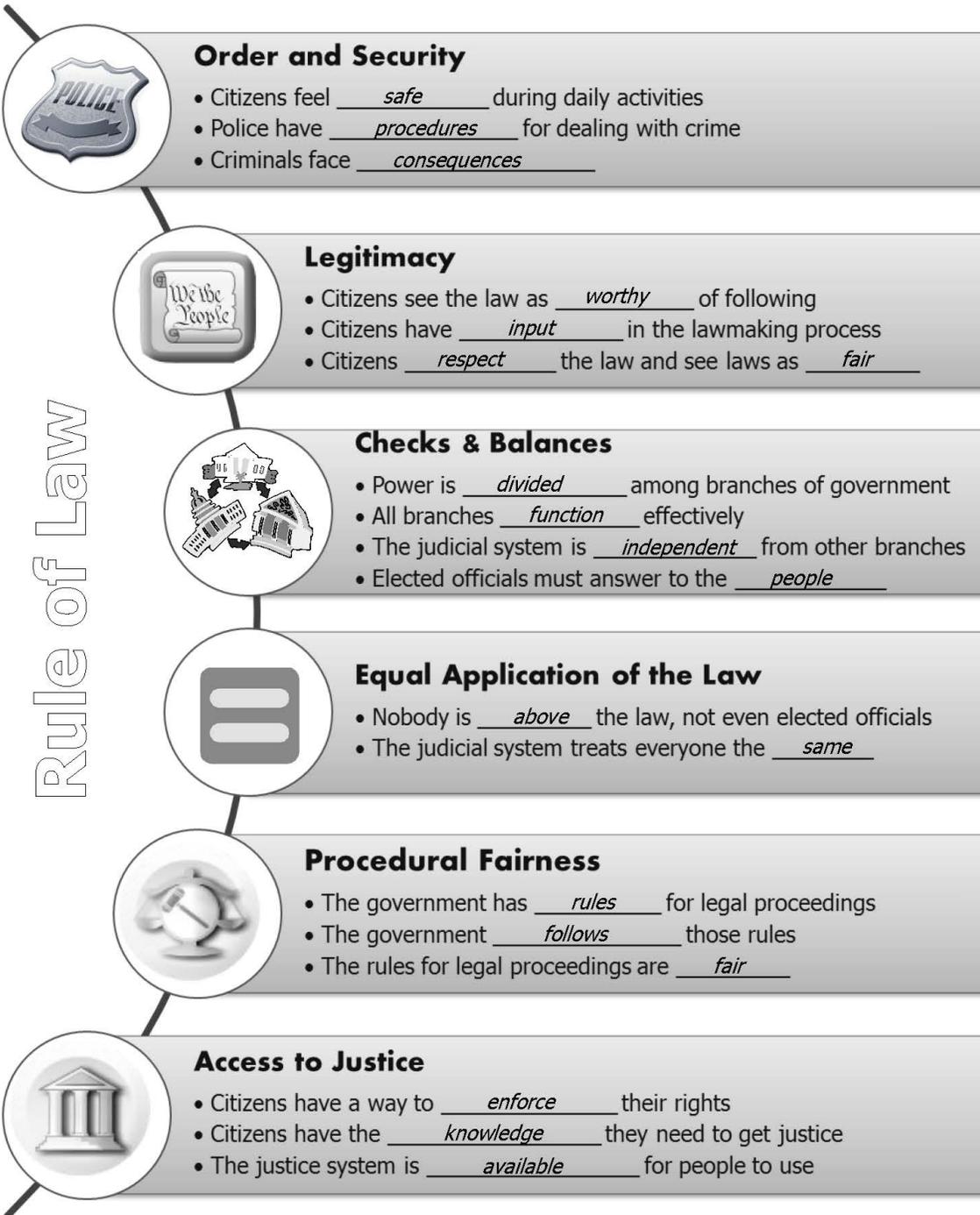
### Effects

- A. She had no way to **enforce** her rights.
- B. Men had easier access to justice than women.
- C. They did not have the **knowledge** to understand the court system.
- D. No court was **available** where Tamara could seek justice.

# Rule of Law

Name: \_\_\_\_\_

**Organize.** Use the **bold words** in each cause/effect skit activity to complete the chart below:



# Rule of Law

Name: \_\_\_\_\_

**Rule of Law—Where Does It Come From?** Our nation was built on the rule of law. Read each statement below and decide which Rule of Law factor it best describes.

**O** = Order and Security

**L** = Legitimacy

**C** = Checks and Balances

**E** = Equal Application of the Law

**P** = Procedural Fairness

**A** = Access to Justice

L 1. Every state sent representatives to help write the U.S. Constitution, and all of those representatives signed the Constitution when it was finished.

E 2. The 14<sup>th</sup> Amendment to the U.S. Constitution says that states must give everyone "the equal protection of the laws."

A 3. The 6<sup>th</sup> Amendment to the U.S. Constitution says that people accused of a crime have the right to have a lawyer help them defend themselves.

O 4. The Preamble to the U.S. Constitution says one goal of the Constitution is to make sure our country is secure and peaceful.

C 5. The U.S. Constitution splits the government's power between a legislative, an executive, and a judicial branch.

P 6. The U.S. Constitution says that people accused of a crime have the right to a "speedy" trial.

C 8. In the case *Marbury v. Madison* in 1803, the Supreme Court said that the judicial branch has the power to strike down laws that violate the Constitution, even though another branch of government passed that law.

P 7. Congress has created the Federal Rules of Criminal Procedure, which lists the procedures that must be followed in every criminal case.

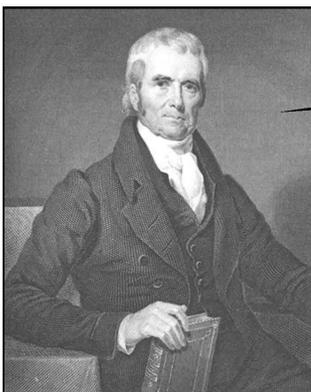
L 9. The U.S. Constitution did not become the law of our nation until nine states approved it.

A 10. Every state has laws that say children must go to school until a certain age.

E 11. In the case *Marbury v. Madison* in 1803, the Supreme Court said that even the government must follow the Constitution.

P 12. The U.S. Constitution says that nobody can be "deprived of life, liberty, or property without due process of law."

**Explain It to a 4th Grader.** In 1803, Chief Justice John Marshall wrote the Supreme Court's decision in *Marbury v. Madison*. He had something to say about the rule of law. How would you explain it so a little kid could understand?



"The government of the United States has been ... termed a government of laws, and not of men."

Chief Justice Marshall was trying to say that...

... laws control how our government works, not people.

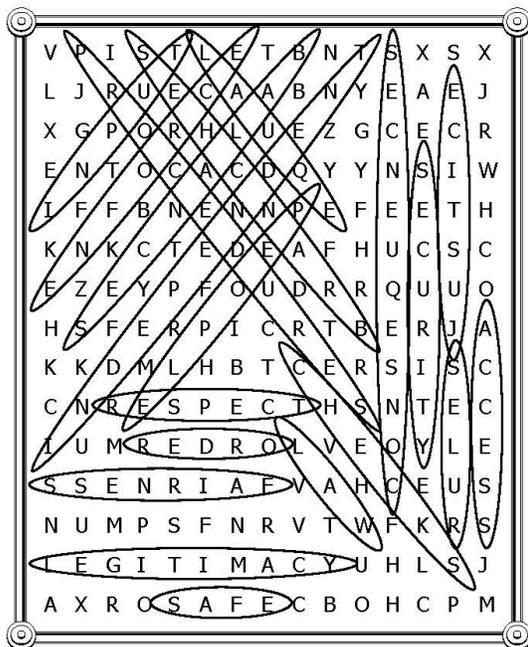
(answers will vary)



# Rule of Law

Name: \_\_\_\_\_

**Fun with Rule of Law!** Find 20 key words in the puzzle.



First, find the 6 factors of Rule of Law:

- Checks and Balances
- Legitimacy
- Order and Security
- Equal Application of the Law
- Procedural Fairness
- Access to Justice

Now find these other key terms:

- |              |             |
|--------------|-------------|
| INPUT        | RESPECT     |
| PROCEDURES   | BRANCHES    |
| SAFE         | ENFORCE     |
| CONSEQUENCES | INDEPENDENT |
| RULES        | PEOPLE      |



**Would This Work?** Debra doesn't think so, but she might be wrong. Look at each pair of Rule of Law factors. Would it be possible to have one without the other? If so, how? Watch out—this could be a brain twister! Use your graphic organizer for help.

CHECKS & BALANCES / EQUAL APPLICATION OF THE LAW	ACCESS TO JUSTICE / PROCEDURAL FAIRNESS
<input type="checkbox"/> You could have one without the other if... <input type="checkbox"/> They have to exist together because...	<input type="checkbox"/> You could have one without the other if... <input type="checkbox"/> They have to exist together because...
<p><i>Answers will vary. Sample answers:</i></p> <p><i>You could have one without the other if the three branches could check each other's power, but the judicial system did not treat everyone the same in court.</i></p> <p><i>You could have one without the other if the legislative branch had all the power but everyone was treated the same by the judicial system.</i></p> <p><i>They have to exist together because if one branch had all the power, that branch might be considered "above the law."</i></p>	<p><i>Answers will vary. Sample answers:</i></p> <p><i>They have to exist together because if the procedures aren't fair, some people will be treated differently and will have less access to justice.</i></p> <p><i>You could have one without the other if the court procedures were fair, but some people, such as women, had no education and could not access the courts.</i></p> <p><i>You could have one without the other if the procedures were fair, but there was no money to run the courts, so the courts were always closed.</i></p>

## Rule of Law Case #1 – Sample Answers

A judge issued a warrant for Glen’s arrest based on a robbery and when police attempted to execute the warrant at the address listed on the warrant, the residents of that address gave the police a different address where they could find Glen. When the police knocked on the door of the new address, which belonged to Glen’s grandparents, Glen answered the door. The police immediately arrested Glen and read him the Miranda warnings. The police then entered the home and asked Glen’s grandfather, Mr. Brooks, if he owned the home. Mr. Brooks said that he did and that Glen lived with him but did not pay rent. Mr. Brooks gave the police permission to search Glen’s room. The police did not get Glen’s permission to search his room but he did tell the police which rooms he had slept in. In one of those bedrooms, the police found a backpack that had no clear indicators of who owned it (like a monogram or nametag) and was unlocked. The police searched the backpack and found evidence of the robbery. Glen admitted that the backpack was his and claimed that he found the evidence.

Listed below is the text of the Fourth Amendment. What does the Fourth Amendment protect?

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.]

How is this case related to the Fourth Amendment? [This case deals with the issues of search and seizure and the Fourth Amendment is concerned with the right of people to be secure and protected against unreasonable searches and seizures.]

What do you think the court held in this case? Could the police officer search the backpack? [The Supreme Court of Virginia held that Mr. Brooks could consent to the search of his house – even the spaces occupied by Glen – because he was the homeowner. The Court concluded that even though Mr. Brooks did not have actual authority to consent to the search of the backpack, he had apparent authority to do so. Apparent authority exists when, in light of all of the circumstances, the facts available to the police at the time of the search would lead a reasonable police officer to believe that the third party, in this case Mr. Brooks, had authority to consent. Because the backpack had no indication of who owned it on it and was in a place open to all occupants of the house, the Court concluded that Mr. Brooks had apparent authority to consent.]

Based on *Glenn v. Commonwealth*, 275 Va. 123, 654 S.E.2d 910 (2008)

## Rule of Law Case #2 – Sample Answers

The police brought Shawn, who is 14 years old, to the police station because he was the main suspect in a murder that happened around 3 a.m., approximately two hours earlier. The police read Shawn his Miranda warnings two times, but he waived them both times. One of the detectives asked Shawn twice if he wanted his parents present, but Shawn refused both times. Shawn had never been in trouble with law enforcement before. He was not under the influence of alcohol or drugs. Shawn spoke English fluently and had completed eighth grade. Shawn then confessed to the murder and, right after doing so, again told the police that he understood his rights.

Listed below is the text of the Fifth Amendment. What does the Fifth Amendment protect?

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Fifth Amendment protects against self-incrimination.

How is this case related to the Fifth Amendment? [The Fifth Amendment protects against self-incrimination and in this case, Shawn waived his Miranda rights and confessed to the crime.]

What do you think the court ruled when Shawn tried to take back his confession? [The Court held that “despite [Shawn’s] age and the absence of a parent, counsel, or other interested adult, the totality of the circumstances supports the trial court’s finding that [Shawn’s] waiver of his Miranda rights was knowing and intelligent under the specific facts of this case.”]

Additional Key Points:

What circumstances do you think were important to the court? [His age, his fluency with English, the grade level that he had completed, that he was not under the influence of drugs or alcohol, the lack of evidence of police coercion, the fact that he had the opportunities to have his parents present, the duration of the interview.]

*Based on Rodriguez v. Commonwealth, 40 Va. App. 144 (2003).*

*Civics Content Vocabulary*

<b>Word/Term</b>	<b>Part of Speech</b>	<b>Definition</b>
<b>citizen</b>	noun	a legal member of a state and/or country
<b>law</b>	noun	a rule established by government or other source of authority to regulate people's conduct or activities
<b>rule of law</b>	noun	the idea that those who govern must follow the laws; no one is above the law

## *Essential Teacher Content Background Information*

**This section addresses the following issues:**

1. The role of the rule of law in a democracy
2. The forms that the rule of law takes in a democracy

### **1. The role of the rule of law in a democracy**

The principle of the rule of law dominates the formation of government institutions in democracies. The concept of democracy is the notion that the people rule through their government. There are several ways that the people rule through their government including, but not limited to, electing their legislators and chief executives, using their protected freedoms such as speech, peaceable assembly and petitioning the government, and exercising their responsibilities as citizens.

In a democracy, the government is responsible for protecting all citizens through the rule of law. The rule of law is the notion that all citizens are protected from arbitrary and abusive uses of government power. The rule of law applies to non-citizens as well although not all aspects of the rule of law guaranteed to citizens are guaranteed to non-citizens. There are certain aspects of the rule of law that are applied differently to certain citizens such as minors (juveniles) and the mentally disabled.

In the U.S., the rule of law is found in the U.S. Constitution, the Bill of Rights, and other amendments to the U.S. Constitution. The U.S. Constitution provides for separation of powers and checks and balances, which are meant to protect citizens from government abusing its power. Separation of powers separates the three aspects of the lawmaking process (legislative, executive, judicial) from one another. Individuals are not allowed to hold more than one public office at the same time while only U.S. citizens may hold public office.

Still, separation of powers alone does not prevent arbitrary and abusive uses of government power. Tempering the potential for abuse of government power is achieved with checks and balances. Other aspects of the rule of law are also addressed through the separation of powers and checks and balances systems.

### **2. The forms that the rule of law takes in a democracy**

The terms associated with various aspects of the rule of law may vary based on the organization or institution using them. Below is a matrix that clarifies potential sources of confusion.

<b>Term in EOCA Item Specifications</b>	<b>Meaning</b>	<b>Alternative Term/Term used by iCivics</b>
Accountability to the law	Accountability refers to the processes, norms, and structures that hold the population and public officials legally responsible for their actions and that impose sanctions if they violate the law. Accountability is essential if systemic threats to the rule of law are to be corrected. This involves ensuring there are consequences for criminal behavior; ...and horizontal accountability (state institutions overseeing the actions of one another) and vertical accountability (citizens overseeing the actions of the state)...The concentration of power in any one branch, institution, or level of government often leads to abuse of power and corruption that horizontal and vertical accountability mechanisms can help prevent.  Adapted from “What is accountability to the law?” available at U.S. Institute of Peace ( <a href="http://www.usip.org">www.usip.org</a> )	Checks and balances
Fair procedures	Procedural fairness includes that decisions will be made on the basis of a set of established rules that are known. For example, if there were no laws about wearing hats in public, it would be unfair for a person who wore hats in public to be punished by the legal system.  Adapted from HSC Legal Studies available at the State Library of New South Wales ( <a href="http://www.sl.nsw.gov.au/">http://www.sl.nsw.gov.au/</a> )	Procedural fairness

<b>Term in EOCA Item Specifications</b>	<b>Meaning</b>	<b>Alternative Term/Term used by iCivics</b>
Decisions based on the law	<p>A person who is affected by a decision made by the legal system has a right to present their views and facts that support that view (evidence) to the decision maker before the decision is made. It also means 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 so that they can defend themselves against the accusation.</p> <p>Adapted from HSC Legal Studies available at the State Library of New South Wales (<a href="http://www.sl.nsw.gov.au/">http://www.sl.nsw.gov.au/</a>)</p>	Legitimacy
Consistent application	<p>Equality before the law is the notion that each person should be treated in the same way by the legal system no matter who they are. For example, the legal system must not make a different decision because a person is richer or poorer than another person, or because a person comes from another country. It means that everyone should be able to access the law and the legal system equally. It also means that the law applies equally to everyone. No person is above the law, no matter what position they hold in society.</p> <p>Adapted from HSC Legal Studies available at the State Library of New South Wales (<a href="http://www.sl.nsw.gov.au/">http://www.sl.nsw.gov.au/</a>)</p>	Equal application of the law
Enforcement of the law	<p>Human security is one of the defining aspects of any rule of law society. Protecting human security, mainly assuring the security of persons and property, is a fundamental function of the state. Not only does violence impose wounds on society, it also prevents the achievement of other aims, such as exercising fundamental human rights, and ensuring access to opportunities and justice. In extreme situations, violence might become the norm if legal rules are not enforced. Under the rule of law, the state must effectively prevent crime and violence of every sort, including political violence and vigilante justice. It encompasses three dimensions: absence of crime; absence of civil conflict, including terrorism and armed conflict; and absence of violence as a socially acceptable means to redress personal grievances.</p> <p>Adapted from “Order and Security” available at the World Justice Project (<a href="http://www.worldjusticeproject.org">www.worldjusticeproject.org</a>).</p>	Order and security
Transparency of institutions	<p>Transparency is what happens in the legal system can be seen and understood by the general public, that courts and tribunals are open to the public, rather than their decisions being made behind closed doors.</p> <p>Adapted from HSC Legal Studies available at the State Library of New South Wales (<a href="http://www.sl.nsw.gov.au/">http://www.sl.nsw.gov.au/</a>)</p> <p>Access to justice is more than improving an individual’s access to courts or guaranteeing legal representation. Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards. There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system.</p> <p>Adapted from “What is access to justice?” available at U.S. Institute of Peace (<a href="http://www.usip.org">www.usip.org</a>)</p>	Access to justice