

CIVICS IN REAL LIFE

Executive Branches and the Rule of Law

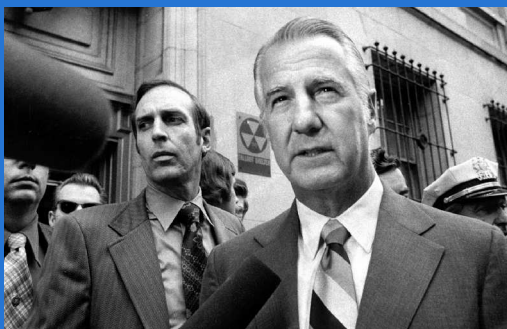
Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.

On March 30th, 2023, former president Donald Trump was **indicted** by a New York **grand jury** for business fraud, likely due in part to campaign finance violations during the 2016 presidential campaign. Opponents of the indictment argue that it is unprecedented and sets a bad precedent for the nation, while supporters of the indictment claim that it upholds the rule of law. President Trump is the first former president to be indicted for a crime, but it is important to note that our nation has a long history of holding members of the executive branch of government at both the state and federal levels accountable to the rule of law.

You are likely familiar with the idea of the **rule of law**; all citizens are accountable to justice and to adhering to the same laws as everyone else. No one is above prosecution for crimes they have committed, including members of the executive branch. Former president Richard Nixon **argued against this concept**, stating that when the president did something, it could not be illegal. But history shows us that members of the executive branch are subject to the same laws as all of us. Indeed, the **first sitting president to be arrested** was Ulysses S. Grant, in 1872. He was charged with speeding his horse-drawn carriage in Washington, D.C. He forfeited his bond when he did not show up for trial.

The Teapot Dome Scandal, during President Warren G. Harding's administration in the early 1920's, stands as one of the most important examples of holding sitting officials of the executive branch accountable to the rule of law. As a result of this scandal, Secretary of the Interior **Albert B. Fall** became the first-ever Cabinet official to be sent to prison. He was convicted of accepting bribes from oil companies who wanted to lease federal lands at Teapot Dome in Wyoming. In 1975, **Attorney General John Mitchell** would become the second Cabinet member to be sent to prison, in this case for crimes that involved efforts to cover up the **Watergate** break-in for President Nixon.

In 1807, former vice-president Aaron Burr was **arrested for treason** after being accused of trying to raise an army to attack Spanish territory in North America, though he was acquitted. Of course, he was also the first sitting vice-president to be **charged with murder**, after he killed Alexander Hamilton in a duel; those charges were ultimately dropped. More than a century and a half later, **Vice-President Spiro Agnew**, under investigation for what was perceived as corruption while he was governor of Maryland, chose to resign **when he was charged with tax evasion**. He pleaded no contest and avoided a lengthy prison term.



Spiro Agnew

It is at the state level where we most often see efforts to uphold the rule of law impacting the executive branch. Across both major political parties, governors have faced charges for various forms of corruption. Indeed, Illinois alone has had **four former governors** sent to prison for various crimes, though one of the four went to prison for crimes committed after leaving office. This includes, most recently, **Rod Blagojevich**, who was indicted for abuse of power and corruption in 2008. Perhaps the most notorious governor to face charges was Edwin Edwards, Democratic governor of Louisiana from 1972-1996. In 2001, **he was convicted** of racketeering, extortion, money laundering, mail fraud and wire fraud and sent to federal prison. Most recently, in 2022, Wanda Vazquez, former governor of Puerto Rico, was **arrested for bribery charges** while serving as governor, while Robert Bentley, governor of Alabama, was **forced to resign** after being accused of using state resources to try and cover up an improper relationship with a political aide. He was actually convicted of two misdemeanor charges before his resignation.

Ultimately, it is important that we rely on our Constitution and the rule of law to ensure that all citizens are held to the same standard. We allow the **judicial process** including a **jury of our peers** to determine guilt, as appropriate in our constitutional republic. By doing so, we uphold our founding principles and the rights and liberties of all citizens.

To Think and To Do: Consider the following quote from John Locke, a thinker that greatly influenced the Founding Fathers: *"They are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court, and the countryman at plow."* - Second Treatise of Government, 1690

What does the quote suggest about how the Founding Fathers may have viewed the importance of the rule of law? What are at least two ways that **our Constitution** reflects this view?

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