



**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF TENNESSEE  
Joel W. Solomon United States Courthouse  
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Chattanooga, Tennessee 37402

**GIVING THANKS FOR THE RULE OF LAW**

This month, we will celebrate Thanksgiving. We all have our own traditions for the holiday—traveling to be with family, meals with friends and loved ones, football games, movies, and a myriad of other traditions. With COVID-19, we must alter many of these traditions and celebrate Thanksgiving in a manner unlike our past celebrations.

It is good that we celebrate Thanksgiving in these meaningful, personal ways. But Thanksgiving is also a time to look beyond our individual perspectives and reflect on the larger and collective things for which we can be thankful as Americans. We can worship, or not worship, in whatever manner we choose. We can speak freely without government interference. We can read whatever newspaper, magazine, or other media we choose. We can vote for whatever candidates we wish, a right just exercised by more of our fellow citizens than ever before. And we can be thankful to live in a country where the Rule of Law is secure and supreme. This, in fact, is one of the reasons the United States adopted Thanksgiving as a holiday.

**THANKSGIVING**

Thanksgiving has its roots in a joint resolution Congress presented to President George Washington in 1789. It called on President Washington “to recommend to the People of the United States a day of public thanks-giving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.” President Washington accepted the resolution and, in his proclamation of Thanksgiving, added his desire that the people

may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually, to render our national government a blessing to all the People, by constantly being a government of wise, just and constitutional laws, discreetly and faithfully executed and obeyed . . . .

President Washington’s proclamation did not focus on thankfulness for personal wealth, individual positions, or other private matters. Rather, he called on the people to be thankful for, and to ask for, a national government that would be a blessing to all the people, a government of “wise, just and constitutional laws.”

## **THE RULE OF LAW**

With these words President Washington referred to what we call the Rule of Law. The Rule of Law is the idea of a government that follows laws, not the whims or wishes of individuals. This concept means that everyone is equal before the law and the law applies to everyone equally and fairly. It means the government and ordinary citizens are held to the same legal standard.

We all should be thankful that after all of these years since President Washington's proclamation, we still have a country that adheres to the Rule of Law. Because the Rule of Law is not self-perpetuating. It requires those entrusted with positions of authority not only to enforce the law, but also to obey the law themselves. It must be embraced and practiced by ordinary citizens if it is to endure. And it depends on an independent judiciary to protect the Rule of Law.

## **THE JUDICIARY'S ROLE IN UPHOLDING THE RULE OF LAW**

The federal courts have a unique and crucial role in safeguarding the Rule of Law. The framers of the Constitution gave us three separate and coequal branches of government. They planned a judicial branch made up of judges with life tenure, to keep the judiciary independent from the other two branches. This allows courts to function without undue influence by the partisanship of the Legislative and Executive branches. In the two political branches, it is appropriate for some actions to be taken to advantage those with the same political views as those in power. In contrast to the political branches, it is improper for the courts to base decisions on such considerations.

Judges must make impartial decisions based solely on the applicable law and the facts of the particular case or dispute. They must do so irrespective of the identities of the parties or the public opinion or sentiment of the day. Momentary passion, regardless of how strong or how prevalent, must be resisted. Our courts must be open to all people who think they have a dispute capable of being resolved in court. Court cases are also a matter of public record. Judges render public decisions that explain the law and the applicable facts. The public nature of judicial decisions provides accountability and allows citizens to assess the fair and consistent adherence by the courts to the Rule of Law.

On this Thanksgiving holiday, we can all be thankful for the role the judiciary plays in preserving the Rule of Law.

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