



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

THE RULE OF LAW VS. THE LAW OF RULERS

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In just a few short weeks we will elect from among us those people we will place in positions of authority over us. This is a civic tradition we have faithfully repeated for almost two hundred fifty years. Regardless of whom we elect, and regardless of whether we supported or opposed them, we rely on them to follow the rule of law.

THE RULE OF LAW.

The rule of law is one of the great hallmarks of the American legal and governing system. As a people, we have a deep belief in the rule of law and the importance of adherence to the rule of law. The rule of law in essence means that we are a society governed by laws and not just by the whims of those we periodically place in positions of authority. Having a standard beyond reliance on the good faith and benevolence of elected and appointed officials means we are treated by law based on neutral principles, not our status in society or who we are. Instead, we are all equal before the law.

RULERS RESPONDING TO DESIRES OF SUPPORTERS CAN BE ARBITRARY.

Those we elect run on platforms and agendas and make promises to gain support from those they wish to represent. Once elected, officials attempt to enact their platforms, agendas, and promises. It is only understandable that, once in office, officials fill their policy positions with people who agree with their platforms and agendas. And once elected, officials constantly strive to demonstrate how in touch and in tune they are with their constituents.

But it is also tempting for those in power to go further, using their discretion to benefit their supporters and disadvantage their opponents. Equally tempting is for leaders not to be bound by the same rules and laws that apply to ordinary citizens. Even well-intentioned leaders will be tempted to give their supporters what they want by ignoring or slanting the rules that stand in the way. This undermines the rule of law.

The founders understood that whenever a person is given power, there is a risk that person will abuse power. They would have agreed with the adage from Lord Acton: “Power tends to corrupt and absolute power corrupts absolutely.” They understood that even good leaders over time will tend to become bad leaders.

THE RULE OF LAW PROTECTS AGAINST ARBITRARY RULE.

The rule of law protects against arbitrary rule by our leaders. It provides stability, predictability, and reliance in our daily lives. With written and widely known rules and laws, we can plan our lives without the fear that at any moment our plans may be disrupted and thwarted by sudden turnover among those in authority or by abrupt decisions by those in authority. Leaders responding to the whims of their supporters will sometimes act arbitrarily and inconsistently. The rule of law protects against this by providing consistency and long-lasting rules.

COURTS ARE INDISPENSABLE TO THE RULE OF LAW.

The federal courts are indispensable to the effective operation of the rule of law. The courts do not have platforms or agendas and do not make campaign promises. A federal judge swears an oath to support the Constitution of the United States and to administer justice equally and impartially. Courts ensure that the laws are applied fairly and uniformly. It is the courts’ role to enforce the rule of law. They do not cater to constituents and do not change policies with the turnover of elected officials. Courts provide neutral arbiters, applying the law to the facts of disputes without bias. Courts need not cater to those with whom they agree nor seek to disadvantage those with whom they disagree.

By being neutral arbiters of the law, the courts help ensure that the rule of law is maintained and that individuals, including government officials, are held accountable. Courts protect individual rights and liberties by interpreting and enforcing constitutional provisions. This role is essential for ensuring that laws are applied consistently and that individual rights are not infringed upon by those in power. Lastly, courts provide an essential check and balance to the other branches through judicial review. With this power the courts review laws and executive actions to ensure that they comply with the Constitution. In all these ways, the federal courts help secure to us the benefits of the rule of law, protecting us from the unpredictable law of rulers.

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