



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

THE RULE OF LAW – IMPLEMENTED BY MEN AND WOMEN

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We are all familiar with the phrase, the rule of law. We tend to think of those words more in connection with the judiciary than the other two branches of government. However, the concept of the rule of law has a long heritage in the United States. Founding Father John Adams articulated the concept when he famously called a republic “a government of laws, not of men.” John Adams’ cousin and fellow Founding Father, Samuel Adams, observed that the rule of law means that “There shall be one rule of justice for rich and poor, for the favorite in court, and the countryman at the plough.” Today, the Administrative Office of the United States Courts lists the rule of law as “a principle under which all persons, institutions, and entities are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights principles.” In short, the rule of law reflects the founders’ desire to create a system committed to promoting the fair and impartial application of the law. All segments of our society claim allegiance to this noble principle, yet the application of the rule of law looks different across the branches of government.

The Rule of Law.

For there to be a rule of law there must first be laws. Under our governing structure, laws are written by the legislative branch as commands and prohibitions which govern the population and which the government, through the executive branch, can enforce. Laws are written and published so that everyone can know them and have fair advance notice of what they demand. These laws apply to everyone, and everyone is bound by them, including the government itself and its leaders. The government, then, governs the citizenry according to the law, not by the whims or fancies of our leaders.

Laws Are Instruments of Justice.

Laws are essential to the way our democratic republic functions. Ideally, laws are crafted with care, debated rigorously, reasonably and widely supported, and enacted through accepted democratic processes. Wise laws allow us to go about our daily activities with safety, predictability, and stability.

Laws Must be Implemented by Men and Women.

Although laws are essential to the rule of law, laws and the rule of law itself are not self-executing. The effectiveness and integrity of the rule of law depend upon the men and women entrusted with the implementation of the rule of law. And in so doing the rule of law has to rely upon flawed, imperfect human beings with biases and limitations. These imperfect human beings interpret, apply, and enforce the rule of law.

Judicial Independence.

For our elected officials, there is some tension between the rule of law and their responsibility to cater to the will of those they represent. The rule of law calls upon our elected officials to obey and enforce the law, while their obligation to the public calls for them to remain attentive to the desires of the public and seek to accommodate these desires to the best of their ability.

This tension between sole devotion to the law and catering to the desires of constituents should not apply to the judicial branch. Though some judges are elected, these judges are still expected to interpret the law as written without regard to potential public response. The ability to interpret the law without focusing on the public response is the main reason that the rule of law is most often associated with the judiciary. The judiciary is isolated from the momentary whims and desires of the public. It should not appeal merely to public sentiment. Often, in adhering to the commands of the law, court's rulings go against the wishes of the public. But judges, lawyers, and others involved in the legal system are the stewards of the law, tasked with the responsibility of ensuring its fair and impartial application.

It is not enough to have well-crafted and well-thought-out laws. For laws to live up to their promise we must also have a dedicated corps of judicial officers and other individuals who hold the rule of law in high regard and have the integrity and courage to enforce the rule of law without favor to any individual or group. The interpretation and application of the law requires wisdom, integrity, and a deep understanding of human rights and freedoms. When these individuals live up to their obligations, the public has greater confidence in the laws and the legal system.

Conclusion: Upholding the Rule of Law.

The rule of law stands as one of the cornerstones of our democratic society. When followed it ensures fairness, justice, and equality before the law. It is a noble ideal that underpins our society. We are fortunate that for most of our history we have had men and women in the

judiciary of high character and integrity who were committed to upholding its principles, even in the face of political pressure or adverse public sentiment. These men and women followed the law even when it was unpopular or inconvenient. The rule of law—may it forever be our guide.

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