

### 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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**SS.7.C.1.9 Benchmark Clarification 1:** Students will distinguish between the characteristics of a society that operates under the rule of law and one that does not.

In countries that follow the **rule of law**, laws apply equally to everyone. In the United States, **citizens** elect people to represent them and expect them to make laws that apply equally to everyone. The rule of law helps to create order and fairness in society.

The rule of law also applies to the power of the government. Its power is controlled through **separation of powers** and **checks and balances**. These principles are in our Constitution to make sure that one branch of government does not abuse its power.

The U.S. Constitution, its **Bill of Rights**, and the **14<sup>th</sup> Amendment** all play a role in the rule of law. For example, if someone is accused of a crime, the **Sixth Amendment** guarantees that a judge must tell that person what he or she is accused of. Also, citizens have the right to a trial before an **impartial jury** within a reasonable amount of time (“speedy and public trial”). The rights of the accused must apply to all citizens fairly and equally.

In countries without the rule of law, citizens accused of crimes might stay in jail for a long time with no idea of what they are accused of. The law may be applied differently between the poor and the rich, the powerful and the powerless, men and women, and popular and unpopular groups of people (for example, religious groups). Also, if someone wanted to speak out against the government by protest, **petition**, or writing a letter to the editor of the newspaper, this person could be arrested and held in prison without a **trial** if the rule of law is not in place.

Without the rule of law, it is easy for the government to abuse its power with no one having the right to say anything about it.

**14<sup>th</sup> Amendment** - an amendment to the U.S. Constitution that defines citizenship, grants citizenship to former slaves and defines voters as males at least 21 years of age

**Bill of Rights** - the first ten amendments of the U.S. Constitution

**checks and balances** - a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches

**citizen** - a legal member of a state and/or country

**impartial juries** – a group of citizens sworn to give a fair verdict according to the evidence presented in a court of law

**petition** - a formal written request made to a person in authority, a leader, and/or an elected official

**rule of law** – the idea that those who govern must follow the laws; no one is above the law

**separation of powers** - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own specific powers and responsibilities

**Sixth Amendment** - an amendment to the Constitution that provides protections and rights to a person accused of a crime, including the right to a speedy trial with an impartial jury

**trial** - a legal process in which someone accused of a crime faces a judge and a jury, whose job is to look at the facts and decide whether the accused person is guilty or not guilty; the right to a trial is protected in the Sixth Amendment



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