

## The Rule of Law

*“No man is above the law, and no man is below it.” ~ Teddy Roosevelt*

### Overview

Every day, we are touched by rules and laws. They pervade every aspect of our lives, from traveling on the road to shopping at the mall. In this lesson, students will explore the rule of law in American democracy and its impact on every individual. Through class discussion and role play, students will gain an understanding of what the rule of law means in terms of American government, the functions laws play in our society, and the role all citizens and community members, from a student to the President, play in adhering to and upholding the rule of law.

### Grade

8

### North Carolina Essential Standards

- 8.C&G.1.1 -Summarize democratic ideals expressed in local, state, and national government (e.g. limited government, popular sovereignty, separation of powers, republicanism, federalism and individual rights).
- 8.C&G.1.3 -Analyze differing viewpoints on the scope and power of state and national governments (e.g. Federalists and anti-Federalists, education, immigration and healthcare).

### Essential Questions

- From when and where does our system of law originate?
- What functions do laws serve in our society?
- What role does our government’s separation of powers play in ensuring adherence to the rule of law?
- Why is an independent judiciary fundamental to the rule of law?
- How might our society be different if we had no laws?

### Materials

- Chart paper
- Post-It Notes (with one word from the list in step 2 below written on each)
- Rule of Law Role Plays (7 role plays attached)
- Chapter 28 from “The Majesty of the Law,” by Justice Sandra Day O’Connor
- Reflection Questions for “The Majesty of the Law,” attached

### Procedure

#### Introduction to the “Rule of Law”

1. As a warm-up, present students with the following scenario and ask them to share their thoughts:

Imagine that you live in an apartment or a house that is located in a peaceful, residential neighborhood. You and your friends like to meet on summer evenings to play soccer in the street, or laze around in your front lawns talking to one another, texting on your phones, and listening to your iPods. Typically, the speed limit in your neighborhood has been 25 miles per hour, but last week, it was determined that there would no longer be any designated speed limit on your street.

- How might the absence of a speed limit have a negative impact on you and your neighborhood?

- Would there be any positive consequences to not having a speed limit in front of your house or apartment?
- Why do (most) people follow the speed limits posted?
- What is the definition of a law? (Laws are often defined as rules made, carried out, and enforced by local, state, and federal governments, Laws influence each of our lives in many ways.)
- What are the consequences if you break a law, such as not obeying the speed limit?
- Why do you think there are laws governing how fast we can drive?
- What other laws can you think of?
- In your opinion, what determines if a law is a good one or not?

2. As a warm-up, post two pieces of chart paper in the front of the classroom. Write “Rule of Law” at the top of the first piece and ask students what comes to mind when they think of this phrase. Note student thoughts under the title. Next, add the phrase “Rule of Man” at the top of the second piece of chart paper and again ask students what comes to mind. Ask students what they think it would be like to live in societies guided by these different principles. Continue to write words/phrases from student responses on the appropriate sheets.

3. Next, give each student a Post-It note with one of the following words written on each (teachers can repeat words among students if necessary, or determine their own additional words to include):

- |   |                      |
|---|----------------------|
| Safety  | Executive Branch     |
| Liberty   | Constitution         |
| Anarchy   | Consensus            |
| Freedom   | Inalienable Rights   |
| Fairness  | Protection           |
| Dissent   | Protest              |
| Mob   | Gang                 |
| Court   | Lawyer               |
| Prison  | Violence             |
| Legislative Branch                              | Judicial Branch      |
| Dictator  | Responsibility       |
| Democracy                                       | Hedonism             |
| Selfishness                                     | Equality             |
| Inequality                                      | Abuse                |
| Checks and Balances                             | Separation of Powers |
| Independent Judiciary                           |                      |
| Best interests of country in mind               |                      |
| Best interests of the individual person in mind |                      |

Once each student has a Post-It with one of the above words/phrases written on it, ask students to consider their word/phrase and determine which piece of chart paper (“Rule of Law” or “Rule of Man”) it is most related to. Once they have made a decision, students should stick their Post-It on the appropriate piece of chart paper. (Let students know that some of their Post-Its may have a place under either column, depending on how the word(s) are interpreted. Encourage students to make a decision and let them know they will be able to discuss their thought process in a moment.)

\*As an alternative, teachers can instruct students to partner up and give one Post-It note to each pair of students. Students can spend a few minutes discussing their word/phrase with their partner and together determine where to place it.

4. Once all students have placed their Post-It Note, discuss:

- Review all the thoughts and Post-Its under the “Rule of Law.” If you were hired by Webster’s Dictionary to create a definition for the rule of law, what would you write? (Create a class definition.)
- From when and where does our system of law originate?
  - Review with students that when the framers of the Constitution assembled at Philadelphia in the summer of 1787, they soon decided to abandon their original task of revising the Articles of Confederation and opted to create a new system of government. Since the delegates to the Philadelphia Convention represented so many different interests, this was not a simple task. There were Northerners and Southerners; men from big states and small states; men from rural farming areas and others from cities. Yet, despite their differences, and relying on history and political philosophers such as John Locke and Montesquieu, the delegates came to an agreement on the Constitution, the basis for our rule of law today.
  - Before being signed by the President or Governor, laws are called bills. Bills are constantly debated and voted upon by the NC General Assembly or the US Congress. Once the bills are signed into law, they are upheld/protected by the courts. Laws are to be considered and created in the best interests of our country, not in the best interests of any individual person.
  - The rule of law is basically an agreement that everyone will play by the rules. This allows us to enjoy a more peaceful and safe existence. The rule of law also ensures the protection of certain rights for each of us. Ideally, the rule of law applies equally to everyone, meaning you are treated fairly and equally, under the same set of rules, regardless of who you are.
- How do laws affect each of us? What functions do laws serve in our society? Ensure students discuss the following functions of laws:
  - Laws serve as standards of conduct and dictate the ways people should behave and what activities are permitted or prohibited under certain conditions (e.g., drinking under age, driving, speeding, etc.)
  - Laws maintain order, ensure predictability, and provide security (e.g., they require that people drive on a certain side of the road; they require that people pay for services rendered.)
  - Many laws in America grant and protect particular individual rights and freedoms, ensure equality, and advocate for the common good.
  - Laws also guarantee certain benefits to citizens (e.g., schools, health services, etc.)
  - Laws assign responsibilities to citizens (e.g., paying taxes.)
  - Laws define what duties the government will perform and can also limit the power of governmental officials.
  - Laws can facilitate different forms of change (e.g., toxic waste disposal, anti-discrimination, prohibition of spousal abuse, etc.)
  - Laws are used to manage different forms of conflict, relying on courts, lawyers, and judges for such.
  - In summary, laws serve many different purposes. Ideally, laws should be well designed to ensure justice; they should be designed so that the average citizen can interpret, understand, and thus follow them.
- Are flaws ever evident in our system of law? Explain.
- What makes our system of law different from many other countries?
- What role does our government’s separation of powers play in ensuring adherence to the rule of law?
- Why is an independent judiciary fundamental to the rule of law?
- What are alternatives to the rule of law? (e.g. monarchy, consensus, etc.) What are the pros and cons of such alternatives? How might our society differ if we had no laws?
- We mentioned earlier that some laws protect our rights. What does it mean to have rights? Inalienable rights? Why do you think Americans care so much about rights?
- It has been said that based on our Constitution, we are “a nation of laws, not people.” What does this mean?
 

Provide examples that illustrate this concept. Provide examples which you think illustrate that this concept doesn't always prove true.

- Why is it important to be educated about our founding documents, such as the Constitution and the Declaration of Independence?
- Why is it important that all people, even our elected officials, follow the rule of law?
- In your opinion, what are some of the most important laws that we have and why?
- Are there laws that you feel make no sense or that should be altered? Explain.

### **Exploring the Rule of Law with Role Plays**

5. To further explore the concept of the rule of law, divide students into 7 groups and provide each group with one of the attached role plays. (Each role play requires a varying number of students; teachers should use the “Required Actors” list at the top of each handout to determine the size of each group.) Teachers should also assign one student in each group to be the “Director.”

Tell students that they are to first carefully read the role play assigned to them. Each group’s “Director” should then lead the group in discussing the questions provided at the bottom of their role play. (These same questions will be presented by the actors to the audience after their performance.) Explain that once their group has a firm understanding of the scenario, they should work on staging it into a short scene that they will perform in front of the class. Tell students that it is important they include as many details as possible in their performance and remind them that the goal is to realistically portray the events noted; their goal is not to be humorous. Encourage students to brainstorm (i.e. think about how to stage your scene, where it will take place, who are the characters, what action happens and how, how will you make sure the audience understands what is happening, etc.), draft, and then practice their final scene. (Let students know it is fine to write down and hold their lines on a sheet of paper if need be. Students with time left can also create props if desired.)

Teachers should determine how much class time to provide to students for working on their scenes (at least 15 minutes is recommended.) Teachers should also monitor the groups as they work, ensuring each group is including all details necessary for audience members to understand the important components of the scenario. Once students are ready to perform, review expectations of respectful audience members (i.e. pay attention to the performers, refrain from working on your own scene, clap loudly at the end of the scene, etc.) and begin the performances. At the end of each performance, the group members should pose their discussion questions to the class, allowing students to share their thoughts on each one. Teachers should add in additional questions to further understanding as they see fit. As students discuss each scenario and its relationship to the rule of law, teachers may also want to share additional information regarding some of the scenarios that are based upon actual events:

- *Role Play 1:* Explain to students that this scenario is based on the landmark US Supreme Court case, *Gideon v. Wainwright* (1963). In June 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, FL. Police arrested Clarence Earl Gideon for the crime. When Gideon appeared before the Circuit Court judge and requested an attorney, the judge denied his request. As illustrated in the scene, Gideon did not do well representing himself and lost his trial. While serving his sentence in a Florida state prison, Gideon began studying law, which reaffirmed his belief that his rights were violated when the Florida Circuit Court refused his request for counsel. From his prison cell, he handwrote a petition asking the US Supreme Court to hear his case and it agreed. The Court unanimously ruled in Gideon’s favor, stating that the Sixth Amendment requires state courts to provide attorneys for criminal defendants who cannot otherwise afford counsel.

There are several aspects of the rule of law that students can address when discussing this scene. The rule of law was broken by whoever robbed the country club; it was also not adhered to when the Circuit Court judge violated Gideon’s Sixth Amendment rights. However, the rule of law was adhered to when the US Supreme Court heard and overturned the lower court’s decision. This is an example of the mechanisms in place to ensure that the rule of law is fair and just (i.e. the ability to appeal a court’s

decision. Also, discuss with students how Gideon empowered himself by using the tools of democracy to advocate for his rights; he effectively addressed unfairness and injustice by going through the appropriate channels in the system)

- *Role Play 3:* Explain to students that this scenario is based on actual historical events that occurred in Little Rock, Arkansas in the 1950s. In the *Brown v. Board of Education*, the US Supreme Court decided that state laws requiring separate but equal schools violated the Equal Protection Clause of the Fourteenth Amendment. After the decision, the Little Rock School Board agreed to comply with the high court's ruling and the Superintendent of Schools submitted a plan of gradual integration to the school board on May 24, 1955. The board unanimously approved and the plan would be implemented during the fall of 1957. By 1957, the NAACP had registered nine black students to attend the previously all-white Little Rock Central High, but several segregationist councils threatened to hold protests at Central High and physically block the black students from entering the school. As illustrated in the scene, the Governor of Arkansas, Governor Orval Faubus, did not support integration. He actually deployed the Arkansas National Guard to support the segregationists on September 4, 1957. President Dwight Eisenhower attempted to de-escalate the situation and summoned Governor Faubus to meet him. The President warned the governor not to interfere with the Supreme Court's ruling. Woodrow Mann, the Mayor of Little Rock, asked President Eisenhower to send federal troops to enforce integration and protect the nine students. On September 24, 1957, the President ordered the 101<sup>st</sup> Airborne Division of the United States Army to Little Rock and federalized the entire 10,000 member Arkansas National Guard, taking it out of the hands of Governor Faubus. The 101st took positions immediately, and the nine students (who became known as the "Little Rock 9") successfully entered the school on the next day, Wednesday, September 25, 1957. The US Supreme Court also dealt with this situation in *Cooper v. Aaron*, (1958), where it was decided that the states were bound by the Court's decisions, and could not choose to ignore them.
  - *Role Play 5:* Explain to students that this scene is based on the case *Mapp v. Ohio*, 1961. After losing her appeal to the Ohio Supreme Court, Mapp took her case to the U.S. Supreme Court. The Court determined that evidence obtained through a search that violates the Fourth Amendment is inadmissible in state courts.
  - *Role Play 7:* Explain to students that this scene is loosely based on the infamous Watergate scandal. The Constitution provides that an Executive who puts himself above the law and abuses the powers of his office may be impeached, a point confirmed in the impeachment proceedings against President Nixon, for abuses such as illegal wiretapping. A congressional hearing about President Nixon's Watergate break-in scandal revealed that he had installed a tape-recording device in the Oval Office. The special prosecutor in charge of the case wanted access to these taped discussions to help prove that President Nixon and his aides had abused their power and broken the law. President Nixon's incomplete compliance with the special prosecutor's demands was challenged and eventually taken to the Supreme Court of the United States. The Court decided that executive privilege is not limitless, and the tapes were released.
6. Upon completion of all the role plays, culminate with a discussion:
- Based on these scenarios, and everything we have discussed today, in what ways are lawyers and judges crucial players in ensuring that our nation is one where the rule of law is followed? In what ways do all community members play a role in ensuring that the rule of law is followed?
  - What characteristics do you think it takes to be an effective lawmaker? An effective executive? An effective judge? An effective community member?
  - What improvements are needed regarding the rule of law in America?

- Former US Supreme Court Justice Sandra Day O'Connor stated that "A nation's success or failure in achieving democracy is judged in part by how well it responds to those at the bottom and the margins of the social order." What message was she conveying and how does it relate to the rule of law?
  - Why is the rule of law important to each one of us?
  - Why is it important for youth your age to be aware of the rule of law? Do you think most young people understand this importance? Why or why not?
7. As a homework assignment, provide students with one of the following options for completion:
- Provide students with a copy of chapter 28 from "The Majesty of the Law," by Sandra Day O'Connor, as well as the attached handout of questions for reflection.
  - Instruct students to bring in an example that illustrates the rule of law. Students may find their example in any medium, such as a newspaper article, magazine article, song, cartoon, scene from a movie or television episode, a commercial, a work of art, etc. Students should write a paragraph describing the example (i.e. write a paragraph summarizing the movie scene) then write an additional paragraph explaining how the example specifically relates to the rule of law. If possible, students should also bring the example itself (i.e. the printed text, image, song lyrics, etc.) to share with classmates.
  - Provide the following quote to students and ask them to think about what message they think Roosevelt was trying to convey, responding with their interpretation in 3+ paragraphs: "No man is above the law, and no man is below it." ~ Teddy Roosevelt

#### **Additional Resources**

- C-SPAN Classroom videos and discussion questions on the "Rule of Law": <http://www.c-spanclassroom.org/Topics/RL/Rule-of-Law.aspx> (source link does not seem to work, however, here is where you can search for videos that might work <https://www.c-span.org/classroom/search/?searchtype=classroom&query=rule+of+law>) includes Justice Breyer on Democracy: <https://www.c-span.org/classroom/document/?2439>
- "The Rule of Law," lesson plan by the Missouri Bar: [http://www.mobar.org/teach/rule\\_of\\_law.pdf](http://www.mobar.org/teach/rule_of_law.pdf) (Source Link not working, however, a word document can be downloaded by putting "the Missouri bar rule of law" in Google search.

## Role Play 1

### Actors Required:

- 2 or more police officers
- 1 suspect who is arrested
- 1 judge
- *Optional:* Additional court officials

A burglary has occurred at a local country club. Shortly after, police arrested a suspect for the burglary – a man found nearby the club, who had a pint of wine and some change in his pockets. When appearing in Circuit Court, the man explained that he could not afford a lawyer. He asked the Circuit Court judge to appoint one for him since he was poor. The judge denied his request and the man was forced to represent himself.

When the man reappeared in court for his trial, since he had no legal background or training, he naturally did a poor job of defending himself. At the end of the trial, he was found guilty of breaking and entering and petty larceny.

Stage a scene in which police officers are discussing the robbery while searching for the suspect. After you show the man being arrested by the police, also stage his appearance in front of the judge in which his request for an attorney is denied. End the scene with the man's trial, during which he attempts to defend himself and loses.

### At the end of your scene, pose the following questions to the class for discussion:

- Was the rule of law being adhered to in this scene? Why or why not?
- If a particular law is being broken, which law(s) and how so?
- How does this scene illustrate the importance of the rule of law?
- Within the scope of the rule of law, what could the convicted man do to address this situation?
- If this case was appealed to the Supreme Court, how do you imagine the Court would rule?
- Why do we have the Sixth Amendment, even though it can result in people who are criminals receiving a free lawyer?

### Brainstorming/Notes:

## Role Play 2

### Actors Required:

- 1 student
- 1 principal
- *Optional:* Including the parents of the student during the tour

A student whose family is Jewish moves to a new town. When the student goes to enroll at his/her new public school, the principal takes him/her on a tour of the campus. During their tour, the principal interviews the student to get to know him/her better. During their conversation, the student shares that he/she is Jewish. The principal immediately stops the tour and looks at the student in surprise. The principal begins to explain that he/she is a Baptist and feels that it is the best religion. The principal tells the student that there is no room for someone of Jewish faith at this public school and that he/she will not fit in. The principal sends the student away, telling him/her that he/she will not be enrolled and allowed to attend the public school unless he/she converts to the Baptist faith.

Stage a scene in which the principal tours the student around the school, including all of the above details.

### At the end of your scene, pose the following questions to the class for discussion:

- Was the rule of law being adhered to in this scene? Why or why not?
- If a law is being broken, which law(s) and how so?
- How does this scene illustrate the importance of the rule of law?
- Within the scope of the rule of law, what can the student and his/her family do to address this situation?
- If this case was taken to court, how do you imagine the court would rule?

### Brainstorming/Notes:



### Role Play 3

#### Actors Required:

- President Eisenhower
- 2 or more presidential aides

In *Brown v. Board of Education*, the US Supreme Court decided that state laws requiring separate but equal schools violated the Equal Protection Clause of the Fourteenth Amendment. After the decision, the Little Rock School Board agreed to comply with the high court's ruling and created an integration plan for its segregated schools. Yet, when nine black students enrolled in the all white Little Rock High School in 1957, racist protestors threatened and physically blocked the black students from entering the school. Rather than assist the students, Governor Orval Faubus deployed the Arkansas National Guard to support the segregationists, ordering the troops to prevent the black students from entering. Woodrow Mann, the Mayor of Little Rock, finally requested federal troops to help enforce integration and to protect the nine students. On September 24, 1957, President Eisenhower ordered the 101st Airborne Division of the United States Army to Little Rock and federalized the entire Arkansas National Guard, taking it out of the hands of Governor Faubus. Escorted by the guardsmen, the nine students were finally able to enter the school on Wednesday, September 25, 1957.

Stage a scene in which President Eisenhower discusses the above situation with a presidential aide. The aide should explain all of the details occurring in Arkansas, including the Governor's refusal to follow the Supreme Court's ruling. The scene should end with the aide explaining Mayor Mann's request, and the President's decision to order the federalization of the Arkansas National Guard and the deployment of the US Army to Little Rock.

#### At the end of your scene, pose the following questions to the class for discussion:

- Was the rule of law being adhered to in this scene? Why or why not?
- If a law is being broken, which law(s) and how so?
- How does this scene illustrate the importance of the rule of law?
- What role does the Supreme Court play in the rule of law? Can a Governor choose to ignore a decision made by the Supreme Court? Why or why not? Can the President of the United States? Why or why not?
- Evaluate President Eisenhower's response. Did he make the right decision in sending troops to force integration? Why or why not?

#### Brainstorming/Notes:

## Role Play 4

### Actors Required:

- 3 or more protestors
- 2 or more bystanders who become offended by the protest
- 1 General Assembly receptionist

“Put Women Back in the Kitchen” is a protest group who are against equality between men and women. This group believes that women should not be allowed to work or drive, that they should not be able to leave their homes without the accompaniment of a male, and that the true role of women in society is to perform domestic tasks in the home and have children. The group has staged a 300 person rally in Raleigh, NC to protest a pending federal “equal pay for women” law.

“Put Women Back in the Kitchen” called the City of Raleigh several months before the protest date and provided the details of their protest, including the date and start time. They filled out an application, paid their fee, and are today protesting in front of the General Assembly by holding picket signs, chanting slogans such as (“Men stop trippin’ - put your women - in the kitchen!”), and gathering signatures for their petition against an equal pay law. Several people walk by and are insulted and outraged by the protest. They enter the General Assembly and ask the receptionist in the lobby to call the police and disband the protestors.

Stage a two part scene in which you first show the protest organizers planning their protest (i.e. getting their application). In the second part of the scene, act out part of the protest. The scene should end with several people walking by, becoming offended, and complaining to receptionist of the General Assembly.

### At the end of your scene, pose the following questions to the class for discussion:

- Is the rule of law being adhered to in this scene? Why or why not?
- If a law is being broken, which law(s) and how so?
- How does this scene illustrate the importance of the rule of law?
- Often times, the First Amendment will allow for groups that you fundamentally disagree with to publically protest as long as they do so peacefully and go through the appropriate steps. Do you agree that anyone should be allowed to express themselves in this way? Why or why not? If not, what could be dangerous about limiting freedom of speech and assembly to only particular groups with ideas you agree with?
- Within the scope of the rule of law, what can the insulted people do to address this situation?

### Brainstorming/Notes:

## Role Play 5

### Actors Required:

- Dollree Mapp
- 2 officers
- A judge
- Mapp's attorney
- *Optional:* Additional court officials

Police in Cleveland, Ohio were searching for a person who had committed a bombing. Suspicious that Dollree Mapp might be hiding the suspect, the police went to her home. They knocked on her door and demanded entrance, but Mapp refused to let them in because they did not have a warrant. The police finally forced their way into Mapp's house, holding up a piece of paper when Mapp demanded to see their search warrant. As a result of their search, the police found a trunk containing illegal materials. They arrested Mapp and charged her. At the trial, the court found Mapp guilty and sentenced her to jail. Mapp appealed her case to the Ohio Supreme Court; her appeal was not granted. She then appealed to the US Supreme Court.

### At the end of your scene, pose the following questions to the class for discussion:

- Was the rule of law being adhered to in this scene? Why or why not?
- If a law is being broken, which law(s) and how so?
- How does this scene illustrate the importance of the rule of law?
- In what way is our court system fundamental to the rule of law?
- How do you imagine the US Supreme Court ruled in this case and why?
- Even though some illegal items were found in Mapp's apartment, the US Supreme Court ruled that they were inadmissible since they had been retrieved in an illegal way. (The officers had violated Mapp's Fourth Amendment rights.) Why do you think such a law exists?

### Brainstorming/Notes:

## Role Play 6

### Actors Required:

- Justine Jackson
- 1 patrol officer
- 1 judge
- *Optional:* additional personnel at the police department or in the court

Justine Jackson has been a prominent and well known lawyer in Charlotte for 18 years. She is well respected in the legal community and is often invited to lavish parties and fundraising events hosted by her friends in politics, entertainment, etc. When leaving one such party, Justine misjudged how much she had to drink and was pulled over after running a stop sign. The officer actually recognized Justine, but still asked her to step out of the car for a sobriety check after smelling alcohol on her breath. She refused, asking the officer, "Do you know who I am?" Justine refused the roadside breathalyzer that the officer asked to administer. Since she was also slurring her words and behaving belligerently, the officer took her into the station. At the station, she blew a 0.095 on the breathalyzer. When later appearing in court in front of a Judge who she had been friends with for most of her career, the punishment she received was only to complete 10 hours of community service.

Stage a two part scene in which you first show Justine leaving a party after having had a few drinks, getting into her car, and being pulled over by the officer. Make sure you include the above details of the interaction between the officer and Justine when she is pulled over. In the second part of the scene, act out the details of Justine's court appearance and the punishment she received.

### At the end of your scene, pose the following questions to the class for discussion:

- Is the rule of law being adhered to in this scene? Why or why not?
- Is this scene realistic? Why is everyone, including legal professionals, law enforcement, and government officials, required to abide by the rule of law?
- Should exceptions to the law ever be made? Explain.
- Are there instances when situations of inequality are present in the legal system, even with the protections provided by the rule of law? Explain. What can we as a society do to ensure such instances are addressed?

### Brainstorming/Notes:

## Role Play 7

### Actors Required:

- President
- 2 or more aides

The current President of the United States is up for reelection. He/she loves being president and is willing to do anything possible to ensure that he/she is not replaced for the next term. The President thus orders several of his/her White House aides to secretly wiretap the campaign headquarters of his/her opponent. Late one night, the aides break into the main headquarters of the other candidate for President and successfully place wiretaps.

Over the next months, the President listens to the conversations and campaign plans of his/her opponent, gaining valuable information regarding his/her opponent's strategies for winning the election.

Stage a scene in which you first show the President ordering his/her aides to place the wiretaps and why. Make sure you share that the wiretaps are successfully placed, and also show the President then listening in on the private conversations of his/her opponent.


At the end of your scene, pose the following questions to the class for discussion:

- Was the rule of law being adhered to in this scene? Why or why not?
- Is this scene realistic? Has anything happened throughout history that is comparable to these events?
- Why is everyone, even the President of the US, required to abide by the rule of law?
- Should exceptions to the law ever be made for prominent officials such as the President of the US? Explain.

### Brainstorming/Notes:

Name: \_\_\_\_\_

**Reflection Questions from Chapter 28 of “The Majesty of the Law,” by Sandra Day O’Connor**

1. Do you agree with former Justice O’Connor that Americans take the many freedoms and legal protections we have for granted? Why or why not?
  
2. What examples does O’Connor note that illustrate America’s “worst years?”
  
3. What did it take for America to right many of the wrongs of its “worst years?” What role did the rule of law play in such improvements?
  
4. Why do you think the framers of the Constitution deemed it crucial to include a Bill of Rights? In what way do these laws impact each of us today?
  
5. According to James Madison, why is an independent judiciary crucial?
  
6. According to Senator Jacob Howard, why is the Fourteenth Amendment important?
  
7. Summarize three examples of your choice in which O’Connor illustrates how decisions of the US Supreme Court granted or ensured freedoms for Americans. Place a star beside the example that you think is most important to our society. 

a.

b.

c.

- 8.** How do you imagine our society would differ if an independent judiciary was never created?
- 9.** O'Connor notes that our country still has work to do to "ensure that individuals participate as equals in this country."
- a. What examples can you note where our legal system and government have tried to ensure this throughout history?
- b. What examples can you note where equality has not been ensured throughout history?
- c. In your opinion, what can our society do to continue working for equality for all people?
- 10.** In what ways has globalization affect the rule of law in America?
- 11.** Based on this chapter and your own opinion, what does it take to ensure success in terms of the rule of law?
- 12.** Based on what you read, how would you describe Sandra Day O'Connor and why?