

## **\*\*\* On The *Rule of Law* \*\*\***

Why do **most of us** respect the **Rule of Law**, while others, such as dictators and many monarchs (who prefer to rule things their own way), activists (who prefer to rebel against vs. operate per the law), anarchists (who oftentimes feel their choices and desires are the only choices or desires to be considered), terrorists and crime groups (need I say more), and even some governments and/or administrations, etc. appear to show very little *respect* for the concept of the **Rule of Law** in their daily lives? What roll does the **Rule of Law** play in providing “social order”? And what things should both governments and those who pick their leaders and politicians consider when it comes to the **Rule of Law**?

To address the main topic, the **Rule of Law**, via my blog below, one might wish to ponder the following first:

[Duhaime's Law Dictionary](#) (Rule of Law)

Some supporting references...

[Thomas Paine on the idea that the law is king](#) 1776

[Overview - Rule of Law](#) on Federalist # 78

[How and When America Fails the 'Rule of Law' Test](#) 2014 article reviewing Bush and Obama Administrations

[Goodness Doesn't Just Happen](#) Rebecca West was an amazing writer and social commentator

[The Rule of Law Paperback – February 1, 2011](#) by Tom Bingham

[In the Supreme Court of British Columbia](#) paragraphs [19-23]

[UN Security Council - The rule of law and transitional justice](#) ...

As a firm **constitutionalist** and U.S. citizen, I have always viewed the **Rule of Law** from within a hierarchy that goes something like this.

(A) The U.S. Constitution is the highest law of the land within my own country. We U.S. citizens cannot and should not submit to any legal structure above that formed by our own U.S. Constitution... for our own good.

(B) Laws passed by the U.S. Congress, both the House and Senate, come next as long as they support and do not violate the tenants laid out within the Constitution.

(C) State Constitutions come next and are the highest State level laws; they too must not be contrary to the U.S. Constitution.

(D) Next come State laws passed by each State Legislature; once again, so long as they support and do not violate the tenants laid out within the U.S. Constitution or laws passed by the U.S. Congress and/or their own State Constitutions.

(E) Local government laws and statutes come in dead last. Yet, if Constitutional they too should be followed.

The problems with enforcing the **Rule of Law** are many and varied to say the least. The prior links cover this in more detail. But, when a lower jurisdiction, such as a State, passes a given law (for example a law to legalize drinking, or the use of a given drug, or marriage, or abortion, or to provide sanctuary to people living in the country illegally) which is contrary to a higher jurisdiction law, or the U.S. Constitution itself, then the State and its residents should never be too surprised if authorities at the Federal government level come down hard on them; even though we all have a right to a fair trial and to be assumed innocent until proven guilty.

While there is also a thing often referred to as “State’s Rights”, those running State government should be cognizant of the web they weave for all concerned when deciding to violate a higher jurisdiction’s laws... even when those administering said laws look the other way for long periods of time. Just because a given law is **not enforced** (for example, the illegal use of pot) **for a long period of time** that does not mean the law itself is null and void. What it means is that those actively breaking the law should think twice and should attempt to revise or repeal the law first. Making no effort to change the law (or failing to do so) first and then taking the law into your own hands and/or making grand efforts to violate the law via “loopholes” is a great way to become **subject to the law; from behind bars**. Keep that in mind if you wish to live in the U.S.A.; where the LAW is king.