

The Vital Role of the Rule of Law

“The *Rule of Law* permeates all aspects of American life” (Gunn). The simplest explanation of the Rule of Law is that no one is above the law. It is a crucial reaffirmation that no matter who someone is, they must abide by the same laws as everyone else. Throughout American history, there have been trials upholding the Rule of Law, as no society is perfect. At the core of the Rule of Law is the peaceful transition of power during Presidential elections. The importance of a peaceful transfer has become more evident after the chaos of the 2020 election highlighted three pillars that help enforce the Rule of Law. These three pillars are the electoral process and legal route for contesting results, the need for public trust in the election process and results, as well as the necessity of safety for lawmakers along with consequences for violent or aggressive actions.

In Article II Section I, The Constitution lays out the manner in which each state's electors place votes, count votes, and the legal route for contesting presidential votes. This is the first pillar that enforces the Rule of Law in America. Each state has laws and deadlines that are in place to allow candidates to contest election results. These laws give a clear result no matter how ambiguous the election may be. For example, in the 2000 election, Al Gore requested a recount in Florida due to inconsistencies with their voting machines. This was a highly contested court battle as the popular vote would have favored Gore (Vaughan and Pletcher). However, the laws put in place for elections helped guide the decision to Bush as a clear winner. Even though, with the recount Gore would have won, it was more important to follow Florida's state election laws as well as give the nation a clear winner. It was impossible for the writers of The Constitution to predict every situation, but through amendments and state laws legislatures are now able to figure out what is right, just, and fair.

The second pillar is the need for public trust in the election process and results. Democracy loses its meaning when the people are unable to trust that their votes are protected. There are many protections in place to ensure that fraud is minimal and it is important that the public understands the process and protections. In today's age of technology and social media, it is difficult to discern what is true. Along with the freedom of speech comes the ability to share beliefs with or without evidence, which can lead to general distrust. This was seen following the 2020 election when Fox News spread false information about Dominion's voting machines, even though they were aware that there was no supporting evidence. This played a major role in the widespread election fraud claims as well as eroded people's trust in the election process. Dominion was able to sue and regain its credibility through the justice system (Bauder et al.). Although Fox News was held liable in this situation, there are still many sources of misinformation that encourage distrust. Another example following the 2020 election was the 62 lawsuits filed by Donald Trump against nine states over election fraud. He lost all 62 cases due to lack of evidence. However, he continued to claim that there was fraud which led to his supporters questioning the legitimacy of the election ("Post-election lawsuits related to the 2020 U.S. presidential election"). When there is no trust and people refuse to accept the election results, they may act out of fear or anger.

A lack of public trust can lead to violent or aggressive actions. The third and final pillar is safety and security for lawmakers and the public. On January 6th, 2021 this was evident when the capital was stormed. After the storming of the capitol, Mitch McConnell a Kentucky Senator stated "... the mob was fed lies . . . they were provoked by the President and other powerful people, and they tried to use fear and violence to stop a specific proceeding of the first branch of the federal government, which they did not like" (Snell and Sprunt). The lack of trust led

America to a precarious state where citizens disregarded the Rule of Law. Even though the rioters disregarded the Rule of Law, it was held up and those who broke laws were held accountable. It is also important to look to the future and prepare for the possibility of more violence if people continue to lose trust in the electoral process. Setting up ways to keep citizens and lawmakers safe is crucial to carrying out the Rule of Law.

Maintaining the Rule of Law is important especially throughout presidential elections to ensure that Americans are able to have confidence in the electoral process. It aids lawmakers and politicians in finding clear election results, holds information sources accountable, and enforces safety measures for all Americans. The Rule of Law guarantees that having clear guidelines will keep democracy in place.

Word count: 840

Works Cited

- Bauder, David, et al. "Fox, Dominion reach \$787M settlement over election claims." *AP News*, 18 April 2023,
<https://apnews.com/article/fox-news-dominion-lawsuit-trump-2020-0ac71f75acfacc52ea80b3e747fb0afe>. Accessed 29 January 2024.
- Gunn, Will A. "How the Rule of Law Has Shaped and Continues to Shape America." *American Bar Association*, 3 March 2021,
https://www.americanbar.org/groups/public_education/law-day/law-day-2021/how-the-rule-of-law-has-shaped-and-continues-to-shape-america/. Accessed 29 January 2024.
- "Post-election lawsuits related to the 2020 U.S. presidential election." *Wikipedia*, Wikipedia,
https://en.wikipedia.org/wiki/Post-election_lawsuits_related_to_the_2020_U.S._presidential_election. Accessed 29 January 2024.
- Snell, Kelsey, and Barbara Sprunt. "'The Mob Was Fed Lies': McConnell Rebukes Trump For His Role In Capitol Riot." *NPR*, 19 January 2021,
<https://www.npr.org/sections/insurrection-at-the-capitol/2021/01/19/958410118/this-mob-was-fed-lies-mcconnell-rebukes-trump-for-his-role-in-capitol-riot>. Accessed 29 January 2024.
- Vaughan, Don, and Kenneth Pletcher. "5 Remarkably Close U.S. Presidential Elections." *Britannica*, 26 January 2024,
<https://www.britannica.com/list/5-remarkably-close-us-presidential-elections>. Accessed 29 January 2024.