

Viewing Guide for Constitutional Principle: Rule of Law

Directions: Before watching the video, answer the pre-viewing questions. Fill in the blanks on Bill of Rights protections while you watch. Finally, answer the questions that follow after you have watched the video on a separate sheet of paper.

Before you watch:

1. What do you think of when you hear the term “rule of law?” Write down some key words and phrases.
2. What ways can you think of that the Constitution provides for the rule of law in the U.S.?

While you watch:

1. The Constitution forbids bills of _____ (laws passed to single out one person).
2. It also bans _____ laws, which means the government cannot suddenly declare an action illegal and then punish people who did it in the past.
3. All criminal trials will be tried by a _____.
4. The police cannot search you or your property without first getting a _____ from a judge by demonstrating _____ cause.
5. People accused of crimes have many rights to due process—the right to know what they are being charged with, to consult with a _____, to confront their _____, call _____ in their own defense, and have their trial take place in a _____ manner in the location where the alleged crime occurred.
6. A government cannot try a defendant over and over until it gets a guilty verdict. This is known as double _____.
7. Excessive _____ and cruel and unusual _____ are forbidden.
8. The most serious crimes require a _____ to bring charges, and the crime of treason can only be proven by the testimony of _____ witnesses to the same overt act, or on _____ in open court.

After you watch:

1. What does the principle of rule of law mean?
 2. Describe some ways that the processes of drafting and ratifying the Constitution demonstrated the rule of law.
 3. A commitment to the rule of law means a belief in the duly established systems and processes, even if outcomes aren't what some expect. Do you think this is a challenging concept for many citizens? Why or why not?
 4. Professor Zywicki defines rule of law as "*a law or set of laws that are outside and above the government that constrain what the government can do to you.*" How would you put this in your own words? Do you believe this is a useful definition? Explain.
 5. Why does Professor Zywicki state that ordinary people are the ones who benefit most when government follows the rule of law?
 6. Though warrants are required for the police to perform searches, [some exceptions to this requirement exist](#) such as searches that take place after a lawful arrest, when items are in plain view, or when police are in "hot pursuit" of a suspect. [Learn more](#) about these exceptions and evaluate whether you believe they are "reasonable."
 7. The following questions are posed at the end of the video. Choose the one you find most interesting and write a 2-3 paragraph response, using resources available at www.BillofRightsInstitute.org to support your answer.
 - How transparent is our system of lawmaking?
 - Should the US enforce only those laws enacted by the people through their representatives? Does the US have to enforce UN resolutions? International laws?
 - Does the Executive Branch have to enforce all laws passed by Congress, even if he thinks they are unconstitutional?
 - Can states nullify federal laws they conclude are unconstitutional?
 - What does it mean for citizens to be committed to the rule of law? Does commitment to the rule of law mean obedience to all laws, even those one considers to be unjust?
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