SS.7.C.1.9 Benchmark Clarification 3: Students will evaluate the impact of the rule of law on governmental officials and institutions (accountability to the law, fair procedures, decisions based on the law, consistent application, enforcement of the law, and transparency of institutions).

Government officials including police officers, senators, judges, and presidents are accountable (responsible) to the law. An independent judiciary holds government leaders accountable for their actions. The rule of law ensures that no one, regardless of her or his position of power, is above the law.

If laws are going to apply to everyone, there must also be an established and practiced set of procedures (directions) that are uniformly applied. Judges must use the same set of written laws and procedures available to defendants and their attorneys. This ensures that fair procedures are followed.

Rule of law also makes sure that judges and juries base decisions on the law. People accused of crimes must be charged with a violation of a law. This means that they have to be charged with breaking the law. This right is protected by the Sixth Amendment, which ensures that decisions are based on laws by guaranteeing that people accused of crimes are informed of the charges against them.

Application of the law must also be applied consistently. Regardless of who is accused of a crime, justice must be administered without prejudice. This means that each person should be treated in the same way by the legal system no matter who they are. Enforcement of law to prevent crime requires the cooperation and management of federal, state, and local crime prevention agencies including local police and county sheriffs.

Lastly, in order to ensure fair administration of justice, citizens must have access to the written laws, participate on juries, and be knowledgeable of how the legal system works. The legal system must be transparent, or clear. This concept is known as transparency of institutions and requires that the general public know the court system’s rules and procedures which serve as common tools to guarantee justice for all.

**enforce** - to carry out effectively

**independent judiciary** - the principle that decisions that decisions from the courts are fair and impartial and are not subject to undue influence from the other branches of government

**rule of law** - a concept that those who govern are bound by the laws; no one is above the law