

Fortifying the Rule of Law with Civil Engagement Spearheaded by Lawyers

By JAMES T. (TIM) SHEARIN

In the United States, the Constitution, the rule of law, and the people who make up this country are inextricably linked. The rule of law represents the behavioral norms we have adopted to ensure the freedoms guaranteed to us by the Constitution and the system of government we have created to establish a free and just society. “We the People” are ultimately those charged with making sure that our democracy continues to embrace the rule of law and the constitutional guarantee it protects.

When the inextricable link between the Constitution, the rule of law, and “us” is fractured, our very system of government is threatened. Many fear we have reached that point given the political strains that now define our nation. Current polling reveals that an alarming number of Americans have become disillusioned with our democracy, with 38 percent willing to embrace some form of authoritarianism.¹ That is a startling and scary statistic. Left unchecked, the rule of law and our constitutional freedoms are in peril.

As you read in the September/October edition of the *CT Lawyer*, the Connecticut Bar Association Rule of Law Committee hosted a conference featuring the ABA’s Task Force on American Democracy. The task force was created in 2023 by then-President Mary Smith. President Smith recognized that given the “deep political divisiveness and pervasive misinformation about our electoral processes,” it was up to the legal profession to “fortify our democratic institutions.” Since its creation, the task force has undertaken an exhaustive study of what threats exist to our

democratic process, why they exist, and how they can be mitigated. The September 4, 2024 conference offered thought-provoking discussions on many issues. I thought I might take this opportunity to share some of the more meaningful points from the conference.

There are many reasons for the current threat to our rule of law. The misuse of social media to promote misinformation or disinformation has reached an epic high; manifestations of the political polarization that divides our country predominate our news consumption; baseless, and often venomous, criticism of institutions designed to enforce the rule of law is now commonplace; and public discourse on matters of national interest has seen ideals replaced with ideology and civility with acrimony. Perhaps even more alarmingly, we have come to accept the current situation as the status quo. It is little wonder that far too many citizens have become disillusioned in who and what we are.

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With disillusionment has come apathy in some, and bitterness in others. The rule of law that governs us as a civilized society and undermines the republic created by our Constitution has begun to erode.

One of the principal observations that emerged from our recent conference featuring the task force was the need for an increased focus on civics education leading to civic engagement. This point was aptly made by Judge Alvin Thompson of our own District Court in his February 2023 article entitled “Want a Dysfunctional Rule of Law? Then Neglect Civic Education.”² I encourage all of you to read it. Judge Thompson pointed out what the ABA Task Force has recognized: Fundamentally, the only way to combat the downward spiral we are on right now is to triple our efforts at civic education and engagement. All of us need to understand the importance of our democracy and the Constitution upon which it is built. All of us need to understand the interrelation-

ship of the three branches of government and how together they function in a way that allows our country to address whatever challenges comes its way. All of us need to understand that without “We the People,” none of those institutions work.

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The ABA Task Force and Judge Thompson both have made a call to arms for lawyers in particular. Not only should we be a model of civil discourse in our professional and public lives, but we must educate the public on the Rule of Law and our democracy. We must visit with local Rotary groups and at community events and talk about the importance of understanding the history of our democracy and the need for civil engagement by all. We must em-

phasize the need for schools to teach civics education, volunteering where necessary. We must use our talents to defend the integrity of local elections. We must speak out against those whose rhetoric would seek to dismantle our Constitution.

I applaud the Bar Association Civics Education Committee for its work making the court system real for middle school and high school students through its mock trial program, and for promoting the Secretary of the State’s Legal Assistance Program to help ensure the integrity of Connecticut’s elections. Our Diversity, Equity, and Inclusion Committee also offers a week-long LAW Camp program each summer that exposes high school students to the

legal profession and gives them instruction on the law and the role it plays in our society. The CBA Young Lawyers Section oversees the association’s Lawyers in the Classroom program, which introduces the importance of the law to grade school children. The CBA’s Access to Justice Department coordinates school visits to courthouses, so students can observe the rule of law in action.

Follow the lead of these CBA groups. Get involved, use your voice, educate those you meet on the importance of the Rule of Law and its connection to the Constitution, encourage constructive engagement with our democratic institutions, and make clear that “We the People” requires their informed involvement. ▢

NOTES

- 1 Reinventing American Democracy for the 21st Century, AM. ACAD. OF ARTS & SCI., <https://www.amacad.org/news/reinventing-american-democracy-21st-century> (last visited June 14, 2024).
- 2 Business Law Today, ABA Business Law Section, Feb. 14, 2023, https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-february/dysfunctional-rule-of-law-neglect-divic-education/.



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