

Lessons from Lincoln on Defending the Rule of Law

By JAMES T. (TIM) SHEARIN

When I spoke at the 2024 Connecticut Legal Conference as the incoming president of the Bar Association, I noted that while the association is not a political entity and, such, remains quiet with respect to political issues, it would not remain quiet if and when the rule of law and the independence of our judges was under attack. I didn't know last June that the current political climate would provide as many opportunities for us to address the importance of the rule of law. It thus became the focus of my column for the last four issues.

Many of you have reached out to me to express your despair with recent court-related headlines, struggling to figure out what we *should* and *can* do. For what it is worth, I thought I would offer two lessons we might take from history. First, as difficult a position as we may now find ourselves in the current political climate—and this applies regardless of which political party may be in charge—this is not the first time the rule of law has been under attack. To be certain, never before has it occupied such a centerpiece of attention, given the rapid and voluminous nature at which information—some of it actually news—is disseminated, but we have been here before. Second, as we have in the past, we can preserve the rule of law by standing up. And standing up is what we need to do now.

On January 27, 1838, Abraham Lincoln delivered what has since become known as the Lyceum Address. He was 28 years old and had just moved to Springfield, Illinois. The country was in the throes of

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perhaps its worst chapter in history—slavery—the horrific treatment of a group of people solely because of their skin color.

The backdrop of Mr. Lincoln's speech was the indiscriminate hanging of gamblers and the killing of a free black man, Mr. McIntosh, who had been accused but not tried or convicted of murder. Mr. McIntosh was seized by residents of St. Louis, dragged through the suburbs, chained to a tree, and burned to death. The incident reflected the then divisiveness in the country with emotions running high, not dissimilar to where we find ourselves today, albeit not resulting in horrific killings.

Lincoln started his speech extolling the "fundamental blessings" that had been enjoyed by the citizens all bequeathed to them by those who fought to establish the country. Lincoln credited our forefathers for creating "a political edifice of liberty and equal rights" and recognized that his generation was bound to ensure that such would not be "undecayed by the lapse of time and untorn by usurpation." He

recognized that the challenge to America's "political edifice of liberty and equal rights" would not come from outside, but from within: "If destruction be our lot, we must ourselves be its author and finisher."

Lincoln's concern was the "increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of sober judgment of Courts; and the worst and savage mobs from the executive ministers of justice." He went on to describe the dangers of the unchecked assault on the institutions that ensured an orderly society and the consequences of not addressing it. His words were prophetic. "[I]f the laws be continually despised and disregarded, if the rights to be secure in their persons or property, are held by no better tenure than the caprice of a mob, the alienation of their affections for the government is the natural consequence; and to that, sooner or later, it must come." Said without the eloquence of Lincoln, if the rule of law is abandoned, it is only a matter of time before our very democracy will falter.

But Lincoln had an answer, and it was simple. “Let every American, every lover of liberty, every well-wisher to his prosperity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate the violation by others. As the patriots of seventy-six did to the support to the Declaration of Independence, so to the support of the Constitution and Laws, let every American pledge his life, his property and his sacred honor;—let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children’s liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles to her lap—let it be taught in schools, in seminaries and in colleges; let it be written in Primers, spelling books, and in Almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, in colors and conditions, sacri-

fice unceasingly upon its altars.” In short, commit. Commit to the rule of law. Commit to what it means as a guaranty of life and liberty. Commit to the understanding that it undergirds our very system of government.

Lincoln also taught us what our commitment should look like. It isn’t passion. It isn’t matching rhetoric with rhetoric. For Lincoln, passion could “be our enemy.” Instead “[r]eason, cold, calculating, unimpassioned, reason, must furnish all the materials for our future support and defense. Let those materials be molded into general intelligence, sound morality, and in particular, a reverence for the Constitution and Laws.” That lesson rings true today, even more so as social media has given everyone a stage to emote, often with misinformation. Meeting a venom-laced assault on our courts with a venom-laced response to the speaker solves nothing. Those who would attack the Court for political gain are already lost. Our focus should be on Lincoln’s common man. Our voices must be a reasoned explication of the importance of

the rule of law and the need to revere it. Our voices must teach. Our voices must inspire belief.

The political divide in this country is nothing new. There has always been division. It may seem like the present situation is more heart-wrenching and anger-driven than it has been in the past, but I suspect past generations would take issue with that. The lesson to learn is that we have persevered. It may have taken longer than anyone expected at the time, but we are still a nation of the “fundamental blessings” that Lincoln addressed. The challenge for all of us is how we hold on to those “fundamental blessings” and Lincoln’s words tell us how: reason, cold, calculating, unimpassioned reason. As lawyers, we have a unique and important role to play. We must lead the charge. We must defend our judges and their application of that law. We must do that in schools, factories, local boards and commissions, charitable groups, where anyone will allow us to comment, and we must do so without political rhetoric. We must protect the rule of law. So, speak up! ■



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