



The “Lawyer” Who Shot Liberty Valance

From the old American West to Iraq we learn lessons on the critical role of lawyers in enforcing the rule of law.

Although I am sure lawyers appreciate the true significance of the rule of law, even we need to be reminded from time to time. Law Day is an appropriate occasion for that reminder.

The rule of law is the foundation of freedom, democracy, security, and economic opportunity. There is no one simple definition of the rule of law. It is an expansive concept with a number of attributes.

In general, however, it refers to a system of government with a strong and accessible legal process based on fair, broadly known and understood, and stable laws, along with diverse, competent, and independent lawyers and judges to administer them. The laws must be enacted, administered, and enforced through a process that ensures accessibility and fairness.

The rule of law provides a mechanism for enforcing rules of conduct, redressing grievances, and resolving disputes. This enables a society to protect its citizens so they can live freely and prosper.

It also ensures that the government is accountable, restricts its interference with the rights of individuals except as necessary for the greater good, and provides for peaceful transition of government power. It prohibits the imposition of ad hoc rules at the whim of a leader and assures a government of laws, not men. Rights and freedoms are difficult or impossible to achieve without the fundamental stability of the rule of law.

Despite frequent criticism of our justice system, most Americans believe that it works in most cases. They are able to redress their grievances and resolve their disputes in a fair and impartial way.

If that confidence in our legal system were ever truly shaken, the result would be devastating. It could lead to the use of force to achieve goals and the less-than-orderly transition of government power. That is why we have a duty as lawyers not just to represent our clients, but also to maintain the integrity of and assure

continued confidence in the system.

It would do us well as lawyers to think about the important role we play. In a very real way, our day-to-day practice strengthens and reinforces the rule of law and preserves order.

We administer the rule of law when we represent clients in – or preside as judges over – divorce cases, business disputes, tort claims, criminal cases, and the myriad of other matters that come through the court system each day. These proceedings are central to our system of non-violent resolution of disputes and promote stability, peace, and tranquility.

The classic John Ford movie *The Man Who Shot Liberty Valance* is an entertaining lesson on the importance of the rule of law. The film, selected for preservation in the United States National Film Registry by the Library of Congress, stars Jimmy Stewart and John Wayne.

Jimmy Stewart plays lawyer Ransom Stoddard, an easterner who goes west to start a practice. When he arrives in the fictional town of Shinbone in an unnamed territory on the verge of statehood, he finds the absence of the rule of law.

A violent hired gun named Liberty Valance (Lee Marvin) and his gang of henchmen is terrorizing Shinbone and threatening violence to homesteaders who want to farm the open range. Law enforcement (Sheriff Link Appleyard, played by Andy Devine) is inept and ineffectual. Sadly, as a last resort to preserve the peace, lawyer Stoddard must “take the law into his own hands” and resort to violence in an effort to rid the town of Valance.

The movie is a great civics lesson on the importance of the rule of law, as well as the separation of powers and the role of a free press in a democratic society. In order for the west, and Shinbone, to prosper and guarantee the pursuit of happiness to its citizens, the rule of law had to be imposed. The ranchers resorted to violence to intimidate farmers who wanted to curtail the cattlemen’s

open range. Unless the will of the people was established through the law (legislative branch) and enforced to protect the rights of the farmers (judicial and executive branches), the powerful and violent would subvert the rule of law, and the wild west would not be tamed.

Small encroachments on the rule of law may not seem a threat. In times of war and national emergency, citizens may put up with the minor suspension of well-established rules of law. But the real danger in doing that is not just theoretical. It

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provides precedent for the abuse of power under less compelling circumstances.

The rule of law can be fragile. It is a short step from merely criticizing the fairness of the system of justice to a entrenched belief that it does not work and cannot be fixed. When that occurs, radical things happen, and the stability of a country is jeopardized.

The situation in Iraq is a vivid lesson. Until some credible rule of law is established and administered in a way that makes Iraqi citizens believe it is fair and accessible, there will be no stability and peace. Military or mob rule will persist.

So let there be no doubt in your mind about the great importance of what we do. The rule of law is not just an abstract concept. Without us and our legal system, all of the other rights and opportunities in our country could not exist. Take pride in that. And remember that our loyalty belongs as much to that important system of justice, and to the rule of law, as it does to the clients we represent.

And by the way, the lawyer did not actually shoot Liberty Valance – John Wayne did. ■