

## SPECIAL ESSAYS

### THE LEAST KNOWN CELEBRATION OF AMERICA’S FOUNDING PRINCIPLES—LAW DAY

*The Honorable Katharine H. Parker\* & Anthony Petrosino\*\**

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#### INTRODUCTION

Every year since May 1, 1958, the United States has recognized Law Day. Codified in 1961, it is “a special day of celebration” for Americans to reaffirm “their loyalty to the United States” and rededicate themselves “to the ideals of equality and justice under law in their relations with each other and with other countries.”<sup>1</sup> Its purpose is to “cultivat[e] . . . respect for law

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\* United States Magistrate Judge, U.S. District Court for the Southern District of New York.

\*\* Fordham University School of Law, Class of 2024.

1. Law Day, U.S.A., 36 U.S.C. § 113.

that is so vital to the democratic way of life.”<sup>2</sup> It tasks the President with issuing an annual proclamation calling for “public officials to display the flag of the United States on all Government buildings on Law Day” and for “the people of the United States” to observe the day with “appropriate ceremonies,” through “public entities and private organizations and in schools and other suitable places.”<sup>3</sup>

The Law Day proclamations provide interesting glimpses into the societal and political issues that the nation has faced at particular moments in time since 1958. They also provide a window into the legal community’s attempts to shape public opinion and learning on the most pressing challenges to maintaining and honoring the rule of law—the defining characteristic of American society. They also provide a window into each President’s thinking about the rule of law and their administration’s role in upholding the rule of law.

This Essay discusses the history of Law Day and how its changing themes and proclamations showcase U.S. society’s evolving views about the rule of law and the United States’s system of government over the last sixty-five years. Additionally, although the American Bar Association (ABA) website provides access to many of the Law Day proclamations, there has not been one central, publicly available, comprehensive repository of all of the Law Day proclamations since 1958. This Essay includes an appendix with all of the presidential proclamations since Law Day’s inception.

## I. CONCEPTION OF LAW DAY

Charles S. Rhyne, former president of the ABA, first conceived of a day dedicated to the rule of law in 1957.<sup>4</sup> He proposed May 1 as a counterpoint to communist celebrations of May Day.<sup>5</sup> When interviewed before his death in 2003, Rhyne explained that “[t]he immediate inspiration for a May 1 celebration of law was directly related to the Cold War.”<sup>6</sup> He elaborated that

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2. *Id.*

3. *Id.*

4. *History of Law Day*, AM. BAR ASS’N, [https://www.americanbar.org/groups/public\\_education/law-day/history-of-law-day](https://www.americanbar.org/groups/public_education/law-day/history-of-law-day) [<https://perma.cc/4HT3-JLWT>] (last visited Apr. 3, 2024); Jason Krause, *Charlie Rhyne’s Big Idea*, ABA J., May 2008, at 65, 65.

5. Paul Lewis, *Charles S. Rhyne, 91, Lawyer in a Landmark Case, Drowns*, N.Y. TIMES (Aug. 3, 2003), <https://www.nytimes.com/2003/08/03/us/charles-s-rhyne-91-lawyer-in-a-landmark-case-drowns.html> [<https://perma.cc/Y5GY-NKPP>]; 107 CONG. REC. 5015–16 (1961) (daily ed. Mar. 28, 1961) (statement of Rep. James C. Corman) (“If adopted, this annual memorial would become America’s moral answer to another symbol that has been associated with May Day: that of man’s most fearful tyranny, communism.”). Although May Day had been celebrated in different ways throughout history, it became a day to celebrate the workers in the nineteenth century. *May Day*, HIST. (Apr. 4, 2023), <https://www.history.com/topics/holidays/history-of-may-day> [<https://perma.cc/NMS7-EEDG>]. The Soviet Union recognized the day to honor workers in large scale parades and displays of military might, and the day came to be viewed in the United States as a communist holiday. Emma Bowman, *What Is May Day?: For the Most Part, the Opposite of Capitalism*, NPR (May 1, 2023, 10:26 AM), <https://www.npr.org/2022/04/30/1095729592/what-is-may-day-history> [<https://perma.cc/29L9-DBEZ>].

6. Krause, *supra* note 4.

“[f]or many years, the American news media gave front-page headlines and pictures to the Soviet Union’s May Day parade of new war weapons. My idea was to contrast the United States’s reliance on the rule of law with the Soviet Union’s rule by force.”<sup>7</sup>

Rhyne graduated from George Washington University Law School, but he started his legal education at Duke University, where he was a classmate of future President Richard M. Nixon.<sup>8</sup> After graduating from law school, he started a practice in Washington, D.C. with a focus on municipal and aeronautical law.<sup>9</sup> His career took a more public turn after he was elected ABA president, a role in which one of his principal foci was promoting the rule of law and its importance to democracies.<sup>10</sup> Not only did Rhyne propose Law Day, but he later successfully argued a case against the Tennessee Secretary of State for refusing to adjust electoral boundaries to reflect the state’s growing urban population so that urban voters were not disproportionately underrepresented in the state legislature.<sup>11</sup> The case, *Baker v. Carr*<sup>12</sup>—which established the one-person, one-vote principle—is a seminal voting rights case and precursor to later lawsuits seeking the redrawing of state electoral districts to ensure equitable representation.<sup>13</sup> He also argued several other cases in front of the U.S. Supreme Court.<sup>14</sup>

President Dwight D. Eisenhower immediately embraced the idea of dedicating a day to celebrate the rule of law. In 1958, upon receiving a draft of the first Law Day proclamation, he declared that the proclamation “praises our constitutional system of government, our great heritage under the rule of law, and asks our people to stand up and praise what they have created. I like it, and I am going to sign it.”<sup>15</sup> Eisenhower also embraced showcasing America’s rule of law tradition as a counterpoint to communist celebrations of May Day.<sup>16</sup> “While much of the world marked May Day with critiques of

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7. *Id.* May Day was originally known as International Workers’ Day and was first celebrated after the 1886 Haymarket Massacre in Chicago, when police killed workers who were striking for an eight-hour workday after someone threw a bomb at the police as they attempted to disperse the strikers. Lily Rothman, *The Bloody Story of How May Day Became a Holiday for Workers*, TIME (May 1, 2017, 8:16 AM), <https://time.com/3836834/may-day-labor-history/> [<https://perma.cc/SL2P-57PH>].

8. Lewis, *supra* note 5.

9. *Id.*

10. *Id.*

11. *Id.*; *Baker v. Carr*, 369 U.S. 186, 186 (1962) (“Charles S. Rhyne . . . [reargued the case] for appellants.”).

12. 369 U.S. 186 (1962) (holding that legislative apportionment is a justiciable issue).

13. Lewis, *supra* note 5. *Baker* also established the modern articulation of the Court’s political question doctrine, which helps the federal courts determine when adjudication over a dispute would violate separation of power principles. See Daniel Abebe, *One Voice or Many?: The Political Question Doctrine and Acoustic Dissonance in Foreign Affairs*, 2012 SUP. CT. REV. 233, 234.

14. Charles S. Rhyne, OYEZ, [https://www.oyez.org/advocates/charles\\_s\\_rhyne](https://www.oyez.org/advocates/charles_s_rhyne) [<https://perma.cc/XQK3-XNRA>] (last visited Apr. 3, 2024).

15. Krause, *supra* note 4, at 65.

16. Carmina Mares, *May 1st and Law Day Yesterday and Today*, CLEVELAND METRO. BAR ASS’N (Apr. 24, 2023), <https://www.clemetrobar.org/?pg=CMBABlog&blAction=sHowEntry&blogEntry=90341> [<https://perma.cc/V2M3-55NF>]; see Linda A. Klein, *The*

capitalism and parades celebrating working men and women, the United States would honor”—President Eisenhower declared—the “national dedication to the principle of government under laws.”<sup>17</sup>

Three years after Eisenhower first recognized Law Day, Congress codified it into law via a voice vote in 1961, indicating near unanimous approval.<sup>18</sup>

## II. LAW DAY THEMES

Insofar as its former president conceived of Law Day, the ABA has traditionally selected a theme for Law Day. There is no formal process for selecting a theme; rather, the ABA president has the honor of doing so.

The themes vary from year to year. In general, they reflect the ABA’s efforts to highlight the importance of the rule of law and to shape dialogue in schools and other public and private organizations about the rule of law’s centrality in the U.S. system of government.<sup>19</sup> The themes are nonpartisan and are not necessarily reflective of current national political events. For example, although a number of themes have touched on voting,<sup>20</sup> voting themes have not always been highlighted in a U.S. presidential election year.<sup>21</sup> Rather, the themes reflect the national legal community’s priorities. Further, the themes show an effort to educate the public about perennial rule of law issues such as respect for the law, the concept that all persons are equal under the law, the importance of every person’s vote, accountability of elected officials to the people, access to justice, individual rights, how the law has progressed civil rights, the nation’s desire to resolve disputes through law rather than violence, and the importance of an independent judiciary.<sup>22</sup>

The identification and announcement of Law Day themes was not part of the original conception of Law Day but, rather, emerged in or about 1964.<sup>23</sup>

*Importance of Law Day*, ABA J., April 2017, at 8, 8 (“In 1957, during the Cold War, American Bar Association President Charles S. Rhyne had an idea. It came to him as he watched reports of the Soviet Union’s annual May Day celebration in Moscow’s Red Square, with massive displays of military might . . . . A presidential proclamation was issued, declaring May 1 Law Day.”); David Ray Papke, *Law, Cinema, and Ideology: Hollywood Legal Films of the 1950s*, 48 UCLA L. REV. 1473, 1489–90 (2001).

17. Proclamation No. 3221, 72 Stat. c24 (Feb. 3, 1958).

18. See, e.g., Joshua P. Zoffer & David Singh Grewal, *The Counter-majoritarian Difficulty of a Minoritarian Judiciary*, 11 CAL. L. REV. ONLINE 437, 452 (2020) (treating voice votes as unanimous roll call votes); Kevin J. McMahon, *Will the Supreme Court Still “Seldom Stray Very Far”?: Regime Politics in a Polarized America*, 93 CHICAGO-KENT L. REV. 343, 352 n.33 (2018) (same); Lee Epstein, Jeffrey A. Segal, Nancy Staudt & René Lindstädt, *The Role of Qualifications in the Confirmation of Nominees to the U.S. Supreme Court*, 32 FLA. STATE U. L. REV. 1145, 1156 n.44 (2005) (same).

19. See *History of Law Day*, supra note 4 (“An annual theme is chosen to spotlight a particular aspect of law or the legal process and its impact on our daily lives.”).

20. See *infra* Appendix A.

21. See, e.g., Proclamation No. 6890, 61 Fed. Reg. 19803 (Apr. 30, 1996) (“The Constitution: The Original American Dream”).

22. See *infra* Appendix A.

23. The first time a theme was mentioned in a presidential proclamation was in 1964. See Proclamation No. 3571, 78 Stat. 1224 (Jan. 16, 1964) (“The theme of ‘Observe the Law—Key to Order, Justice, Freedom,’ will serve as a timely reminder that the basic values of our system can be maintained only through voluntary adherence to the rule of law in our daily lives.”).

The ABA's website has a partial listing of Law Day themes.<sup>24</sup> The themes are typically repeated in the U.S. presidential proclamations. Appendix A is a list of themes since they were first announced.

This year's theme, "Voices of Democracy," aims to resonate with the public in a presidential election year.<sup>25</sup> The ABA explains that this year's theme "encourages Americans to participate in the 2024 elections by deepening their understanding of the electoral process; discussing issues in honest and civil ways; turning out to vote; and, finally, helping to move the country forward after free and fair elections."<sup>26</sup> It goes on to say that "[i]n this way, Americans ensure that our government remains responsive to the wishes of the people."<sup>27</sup> The theme is in keeping with the purpose of Law Day to highlight important aspects of the rule of law and, notably, honors Rhyne's efforts to ensure equal voting rights for all through his work on *Baker v. Carr*.

### III. PRESIDENTIAL PROCLAMATIONS

Since Law Day's inception, each year the ABA has provided a draft proclamation for the President's consideration.<sup>28</sup> According to the ABA, the drafts reflect the theme for each year; they may also provide some historical reference to statements of the nation's founders, to the extent that the themes echo principles in the Federalist Papers or other founding documents.<sup>29</sup> The drafts are nonpartisan and thematic.<sup>30</sup> Each President then works off of the draft to finalize the proclamation.<sup>31</sup> There appears to be no publicly available repository that collects all of the presidential proclamations together. The ABA's website provides links to many, but not all, of the presidential proclamations.<sup>32</sup> Accordingly, we have created an appendix that collects all the proclamations issued to date since the start of Law Day.<sup>33</sup>

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24. *Law Day: List of Past Themes*, AM. BAR ASS'N (Feb. 24, 2021), [https://www.americanbar.org/groups/public\\_education/law-day/past-themes/list-of-themes/](https://www.americanbar.org/groups/public_education/law-day/past-themes/list-of-themes/) [https://perma.cc/ZUF2-NRAA].

25. *Law Day 2024*, AM. BAR ASS'N, [https://www.americanbar.org/groups/public\\_education/law-day/](https://www.americanbar.org/groups/public_education/law-day/) [https://perma.cc/9RJ2-KRB7] (last visited Apr. 3, 2024) ("The 2024 Law Day theme 'Voices of Democracy' recognizes that in democracies, the people rule . . . . In 2024, the United States will hold its 60th presidential election, and Americans will address fundamental questions about democracy and the rule of law.").

26. *Id.*

27. *Id.*

28. Zoom Interview with Catherine E. Hawke, Assoc. Dir., Am. Bar. Ass'n Div. for Pub. Educ. (Dec. 11, 2023).

29. *Id.*

30. *Id.*; Zoom Interview with James Silkenat, Dir. & Treasurer, World Just. Project (Dec. 11, 2023).

31. Zoom Interview with Catherine E. Hawke, *supra* note 28.

32. *Law Day: Past Themes, Resources, and Dialogues*, AM. BAR ASS'N, [https://www.americanbar.org/groups/public\\_education/law-day/past-themes/](https://www.americanbar.org/groups/public_education/law-day/past-themes/) [https://perma.cc/YF68-6PMU] (last visited Apr. 3, 2024) (choose "Presidential Proclamations Archive").

33. *See infra* Appendix B (online version only).

The ABA has not retained all draft proclamations it has proposed to the White House.<sup>34</sup> Thus, it is impossible to ascertain with certainty the exact changes made each year by the White House. However, one can make reasonable assumptions about changes made, particularly if the proclamations discuss administrative priorities or touch on current events that a President may have been grappling with. Thus, the proclamations offer glimpses of each administration's thoughts on the rule of law and contextualize Law Day themes within contemporary challenges the nation faced in a given year.

Thirteen Presidents have issued Law Day proclamations since Law Day was first commemorated.<sup>35</sup> Some have issued only a few, whereas others had a full two terms to issue proclamations. Some were Presidents during times of war, others during times of peace. Some governed during times of economic hardship, others in boom years. Some governed during periods of intense domestic social conflict and change, others during relatively calmer periods. In general, all of the proclamations celebrate the rule of law, consistent with the purpose of Law Day. Some of the United States's past Presidents have been lawyers; others have not. All, however, have celebrated the rule of law. We have attempted to highlight statements from each President who has issued Law Day proclamations to illustrate what was unique about them and place them in historical context.

As discussed above, Law Day started out as a counterpoint to communist celebrations of May Day. Therefore, early presidential proclamations focused on the superiority of American democracy and laws. In the late 1960s, presidential proclamations shifted their lens to the importance of the rule of law domestically. Unsurprisingly, in connection with the Reagan administration's focus on ending the Cold War and dismantling the Soviet Union, presidential proclamations again shined a spotlight on America as an example to other nations. However, the proclamations quickly shifted back to a more domestic focus in the 1990s, with more recent administrations using the proclamation to highlight their domestic achievements or other agendas.

The presidential proclamations shape the dialogue surrounding Law Day each year and are often quoted in statements issued by prominent Americans for Law Day.<sup>36</sup> Thus, although the national and state bars play an important role in Law Day, the proclamations are arguably more important because

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34. Zoom Interview with Catherine E. Hawke, *supra* note 28.

35. *See infra* Appendix A.

36. *See, e.g.*, Press Release, Legal Servs. Corp., Law Day 2023: Message from John G. Levi, Chairman, Legal Services Corporation (Apr. 28, 2023), <https://www.lsc.gov/press-release/law-day-2023-message-john-g-levi-chairman-legal-services-corporation> [<https://perma.cc/EVN5-KVP2>] (quoting Proclamation No. 10376, 87 Fed. Reg. 26121 (Apr. 28, 2022)); Linda A. Klein, *The Importance of Law Day and the 14th Amendment*, W. VA. STATE BAR (May 3, 2017), <https://wvbar.org/the-importance-of-law-day-and-the-14th-amendment/> [<https://perma.cc/BM4N-HRGU>] (quoting Proclamation No. 3221, 72 Stat. 24 (Feb. 3, 1958)).

they are used by schools and civic organizations to teach Americans about the rule of law each May.

A. *Dwight D. Eisenhower (1953–1961)*

President Eisenhower’s Law Day proclamations consistently mentioned international law and compared the United States to other countries that are dominated by “tyranny.” They reflect how his administration viewed America in an era dominated by war and international politics: as a beacon of democracy and freedom on the international stage.<sup>37</sup> His first proclamation stated that the “principle of guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation and distinguishes our governmental system from the type of government that rules by might alone” and that “our Government has served as an inspiration and a beacon light for oppressed peoples of the world seeking freedom, justice, and equality for the individual under laws.”<sup>38</sup>

Keeping with the same themes, the 1959 proclamation directed “the attention of the world to the liberty under law which we enjoy and the accomplishments of our system of free enterprise, [to] emphasize the contrast between our freedom and the tyranny which enslaves the people of one-third of the world today.”<sup>39</sup> Similarly, his 1960 proclamation stated that reaffirming “faith in the rule of law in the daily lives of all Americans will serve to demonstrate to the peoples of the world that this Nation seeks only fairness and justice in its relations with other nations.”<sup>40</sup> These statements are all also consistent with Eisenhower’s internationally focused policies—including his “New Look” policy, which stressed the importance of nuclear weapons as a deterrent to military threats during the Cold War—and his focus on strengthening U.S. commitments to the Middle East.<sup>41</sup>

B. *John F. Kennedy (1961–1963)*

President John F. Kennedy’s Law Day proclamations, like President Eisenhower’s, focused on Law Day as a way to contrast the United States with communist nations on the same day that they celebrated May Day. His first proclamation, issued less than two weeks after the Bay of Pigs

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37. President Eisenhower presided over the end of the Korean War—he assumed office in January of 1953, and the armistice between North and South Korea was signed seven months later on July 27, 1953. *Korean War*, DWIGHT D. EISENHOWER: PRESIDENTIAL LIBR., MUSEUM & BOYHOOD HOME, <https://www.eisenhowerlibrary.gov/research/online-documents/korean-war> [<https://perma.cc/U5P8-66ZB>] (last visited Apr. 3, 2024). He also presided over the Suez Crisis, which occurred in 1956. *The Suez Crisis, 1956*, OFF. HISTORIAN, <https://history.state.gov/milestones/1953-1960/suez> [<https://perma.cc/DF32-XL2G>] (last visited Apr. 3, 2024).

38. Proclamation No. 3221, 72 Stat. 24 (Feb. 3, 1958).

39. Proclamation No. 3268, 78 Stat. c15 (Dec. 31, 1958).

40. Proclamation No. 3330, 74 Stat. c36 (Dec. 31, 1959).

41. Chester J. Pach, Jr., *Dwight D. Eisenhower: Foreign Affairs*, UNIV. VA. MILLER CTR., <https://millercenter.org/president/eisenhower/foreign-affairs> [<https://perma.cc/K4GS-BFH7>] (last visited Apr. 3, 2024).

invasion,<sup>42</sup> stated that “law is the strongest link between man and freedom, and by strengthening the rule of law we strengthen freedom and justice in our own country and contribute by example to the goal of justice under law for all mankind,” reflecting the nation’s and his administration’s continued concerns about communism.<sup>43</sup>

Likewise, his 1962 proclamation said,

[T]he strengthening of the rule of law in our own country directly concerns every citizen because it is of fundamental importance both to the nation’s welfare at home and to our hopes for building an enduring structure of world peace through wider application of the rule of law in relations between nations.<sup>44</sup>

In 1963, after this country survived the Cuban Missile Crisis,<sup>45</sup> Kennedy noted that the nation was at a critical juncture and that it was “a time when all men are properly concerned lest nations, forgetting law, reason, and moral existence, turn to mutual destruction.”<sup>46</sup> Although not specifically mentioning the Soviet Union, he went on to say that given the state of the world, “we have all the more need to work for a day when law may govern nations as it does men within nations; when systematized reason may bring us a confident future; [and] when the moral development of the human race may assure us a peaceful and law-abiding world.”<sup>47</sup>

Kennedy’s proclamations also touched on domestic civil rights issues. In May 1961, the Freedom Riders began their campaign to desegregate interstate travel, among other major civil rights efforts that year.<sup>48</sup> The May 1962 Law Day proclamation recognized the importance of the civil rights movement, stating,

[O]ne of the great challenges of our age is man’s struggle to sustain individual freedom, human dignity, and justice for all; . . . one of the vital bulwarks in that struggle is the rule of law which underlies our whole social, economic and governmental structure, and through which we strive constantly to broaden and secure for all our citizens the rights and opportunities guaranteed by the Constitution and the Bill of Rights.<sup>49</sup>

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42. The Bay of Pigs invasion occurred on April 16, 1961. R. Hart Phillips, *Castro Foes Bomb 3 Air Bases; 2 of Raiders Flee to Florida; Cuba Is Mobilizing, Blames U.S.*, N.Y. TIMES, Apr. 16, 1961, at 1, <https://timesmachine.nytimes.com/timesmachine/1961/04/16/issue.html> [<https://perma.cc/K896-NP3D>]. President Kennedy issued the proclamation on April 7, 1961. Proclamation 3405, 75 Stat. 1048 (Apr. 7, 1961).

43. Proclamation No. 3405, 75 Stat. at 1048.

44. Proclamation No. 3445, 76 Stat. 1444 (Jan. 16, 1962).

45. See E.W. Kenworthy, Anthony Lewis & Max Frankel, *Cuban Crisis: A Step-by-Step Review*, N.Y. TIMES, Nov. 3, 1962, at 1, <https://timesmachine.nytimes.com/timesmachine/1962/11/03/90584910.html> [<https://perma.cc/3ZH8-CA8X>].

46. Proclamation No. 3515, 77 Stat. 981 (Jan. 25, 1963).

47. *Id.*

48. *Freedom Rides*, THE MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/freedom-rides> [<https://perma.cc/WT3Q-X32E>] (last visited Apr. 3, 2024).

49. Proclamation No. 3445, 76 Stat. at 1444.



Thus, Kennedy implicitly recognized the law's importance in helping the United States to overcome its internal challenges to ensure equality under the law and greater civil rights. This was the first time that a Law Day proclamation appeared to concede that the nation that held up its own laws as an example had its own problems to overcome. At the same time, Kennedy's proclamation reflects a faith in law as a catalyst for positive change within the United States and across the world.

*C. Lyndon B. Johnson (1963–1969)*

President Lyndon B. Johnson came to power out of the tragedy of Kennedy's assassination in November 1963.<sup>50</sup> The nation was in turmoil due to violence against civil rights activists.<sup>51</sup> Although progress toward greater equality under the law was being made—for example, the January 1964 passage of the Twenty-Fourth Amendment to the U.S. Constitution<sup>52</sup>—violence continued over desegregation as crime rates steadily rose from 1960 to 1964.<sup>53</sup> Notably, the Law Day theme in 1964 called out the violence in favor of peaceful protest.<sup>54</sup> It was, “Observe the Law: Key to Order, Justice, Freedom.”<sup>55</sup> Johnson's first proclamation stated,

Respect for law is the condition upon which our whole social order depends. Observance of the law is essential to public order and to the strengthening of the individual rights of our citizens. A viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose.<sup>56</sup>

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50. *The Johnson White House 1963-1969*, WHITE HOUSE HIST. FOUND., <https://www.whitehousehistory.org/collections/the-johnson-white-house-1963-1969> [https://perma.cc/7K5N-W4ZN] (last visited Apr. 3, 2024).

51. See Stanley Fish, *The Fugitive in Flight: Law, Freedom, and Liberalism in a Classic TV Show*, 31 CARDOZO L. REV. 1113, 1117 (2010) (“Not that issues were not hanging around in the period from 1963 to 1967: Vietnam; racial strife; student rebellions; assassinations; inner city riots; the Civil Rights Act; presidential elections; the rebirth of conservatism; the Arab-Israeli conflict; the Cold War; and the space race.”); Christopher M. Johnson, Note, *Second-Class: Heller, Age, and the Prodigal Amendment*, 117 COLUM. L. REV. 1585, 1593 n.45 (2017) (“Congress passed the [Gun Control Act of 1968] largely in response to rising crime rates and the assassinations of President John F. Kennedy in 1963, civil rights leader Dr. Martin Luther King Jr. in 1968, and Senator Robert ‘Bobby’ Kennedy later that same year.”).

52. U.S. CONST. amend. XXIV. The Twenty-Fourth Amendment abolished the poll tax for federal elections, eradicating a tool historically used to oppress African-American voters and, in turn, “provid[ing] a more direct approach to participation by more of the people in their government.” *Overview of the Twenty-Fourth Amendment, Abolition of Poll Tax*, CONST. ANNOTATED (citing H.R. Rep. No. 87-1821, at 3, 5 (1962)), [https://constitution.congress.gov/browse/essay/amdt24-1/ALDE\\_00001011/](https://constitution.congress.gov/browse/essay/amdt24-1/ALDE_00001011/) [https://perma.cc/U8MB-WPXJ] (last visited Apr. 3, 2024).

53. MICHAEL BLOCK & STEVE TWIST, REPORT CARD ON CRIME AND PUNISHMENT 9 (1994), <https://www.ojp.gov/pdffiles1/Photocopy/152752NCJRS.pdf> [https://perma.cc/8FD9-Z5A9].

54. Proclamation No. 3571, 78 Stat. 1224 (Jan. 16, 1964).

55. *Id.*

56. *Id.*

Thus, both the ABA's theme and the White House proclamation condemned lawlessness in favor of adherence to the rule of law and took a decidedly domestic turn.

The focus on law and order continued in the following years, which continued to be years of tremendous domestic social upheaval and strife. In 1965, President Johnson said in his proclamation that "[o]bedience to the laws which protect [civil] rights is the heart of our system. Disrespect for law, intolerance, and public apathy concerning law enforcement are enemies of justice and freedom."<sup>57</sup> In 1966, on the 175th anniversary of the Bill of Rights and the 190th anniversary of the independence of the nation, he reminded Americans that

the great individual rights we value so highly carry with them corresponding obligations of citizenship: to obey the law—recognize the rights of others—resolve grievances by lawful means—support law enforcement agencies—encourage law obedience by others—practice and teach patriotism—and defend our country.<sup>58</sup>

He went on to explain that respect for the rule of law would help the nation "in its war on crime and juvenile delinquency."<sup>59</sup> And, in 1967, he expressly asked Americans to "respect the law, and to respect also the men who are pledged to its enforcement"; he also asked "those who wear the badge" to afford "equal respect both for the law and for the rights of the people they are sworn to protect."<sup>60</sup>

Clearly referencing violence against civil rights protestors and recognizing the need for changes to the laws of the United States,<sup>61</sup> he asked for "patience," noting that "the law, like our times, will and must change."<sup>62</sup> In his last proclamation, he gave a nod to important changes in the law that occurred during his administration and again condemned violence.<sup>63</sup> He noted: "Law is a process of continuous growth that allows the creation of new rights for all men through a deliberative, democratic process. It is a system that permits existing rights to be protected, injustices to be remedied, and disputes to be resolved, without recourse to self-defeating violence."<sup>64</sup>

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57. Proclamation No. 3633, 79 Stat. 1468 (Jan. 7, 1965).

58. Proclamation No. 3692, 80 Stat. 1740 (Dec. 8, 1965).

59. *Id.*

60. Proclamation No. 3770, 81 Stat. 1085 (Mar. 10, 1967).

61. 1965 saw the Watts Rebellion, in which riots broke out in the predominantly Black neighborhood of Watts in Los Angeles, resulting in thirty-four deaths, 4,000 arrests, and \$40 million in damages. *Watts Rebellion*, HIST. (June 24, 2020), <https://www.history.com/topics/1960s/watts-riots> [<https://perma.cc/9US5-ZGK4>].

62. Proclamation No. 3770, 81 Stat. at 1085.

63. Proclamation No. 3828, 82 Stat. 1609 (Feb. 12, 1968). President Johnson's legislative program dealt extensively with civil rights. *President Johnson and Civil Rights*, WHITE HOUSE HIST. FOUND., <https://www.whitehousehistory.org/president-johnson-and-civil-rights> [<https://perma.cc/DE8L-R9BH>] (last visited Apr. 3, 2024).

64. Proclamation No. 3828, 82 Stat. at 1610. Unfortunately, 1968 saw several violent events, including the assassinations of Robert F. Kennedy and Martin Luther King, Jr.; riots in Washington, Chicago, and Baltimore; and protests concerning civil rights and the Vietnam War. Michael S. Rosenwald, *1968's Chaos: The Assassinations, Riots and Protests that Defined Our World*, WASH. POST (Jan. 1, 2018, 5:22 PM), <https://www.washingtonpost.com>.

As a final salvo, he proclaimed, “I deem it the duty of each man and woman to honor the law, and to work within it and through it for civil order and social justice.”<sup>65</sup>

*D. Richard M. Nixon (1969–1974)*

Charles S. Rhyne, the father of Law Day, was a member of President Nixon’s administration, having been appointed U.S. ambassador to the United Nations High Commissioner for Refugees.<sup>66</sup> Given his closeness to Nixon and commitment to Law Day, it is conceivable that Rhyne had a greater hand in the proclamations issued by Nixon or, alternatively, that Nixon paid greater personal attention to his proclamations.

Law Day themes and proclamations during the Nixon administration continued to focus on law and order, fostering respect for the law, and explaining why adherence to law was the way in which freedom and rights are protected. Elected by the so-called “silent majority,” Nixon’s first Law Day proclamation expressly derided urban riots and violent protests that had been occurring, announcing a change in tone from that of Johnson.<sup>67</sup> In it, Nixon said, “Events of recent years—rising crime rates, urban rioting, and violent campus protests—have impeded rather than advanced social justice. We must reverse the upward trend of lawlessness in our land.”<sup>68</sup> He went on to say, “We must move forward to a new era of peace and progress in which our great resources can be utilized to end poverty and injustice and to achieve greater opportunities for all Americans.”<sup>69</sup>

In 1970, Nixon’s proclamation emphasized the responsibility of citizens vis-à-vis the law. He said, “The law does not rule by itself. Citizens

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com/news/retropolis/wp/2018/01/01/1968s-chaos-the-assassinations-riots-and-protests-that-defined-our-world/ [https://perma.cc/B8DB-GYYA].

65. Proclamation No. 3828, 82 Stat. at 1609.

66. Louie Estrada, *Charles Rhyne*, WASH. POST (July 30, 2003, 8:00 PM), <https://www.washingtonpost.com/archive/local/2003/07/30/charles-rhyne/639bc195-0fde-4899-8d33-bdad992571a8/> [https://perma.cc/9J9E-28LJ].

67. In 1966, the Selective Service System implemented a draft policy that “exposed students in the bottom of half of their classes to the possibility that their deferments would be revoked and they would be drafted.” *Protests and Backlash*, AM. EXPERIENCE, <https://www.pbs.org/wgbh/americanexperience/features/two-days-in-october-student-antiwar-protests-and-backlash/> [https://perma.cc/4G68-FFVN] (last visited Apr. 3, 2024). The policy led to a large increase in student protests at the University of Chicago, the University of Wisconsin, Cornell University, and Harvard University. *Id.*; see also *supra* text accompanying notes 60, 63; Prina Lahav, *Archetypal Trials and the Management of Dissent: Some Insights from Marketing Theory*, 4 THEORETICAL INQUIRIES L. 763, 768 (2003); Rachel F. Moran, *Rethinking Race, Equality, and Liberty: The Unfulfilled Promise of Parents Involved*, 69 OHIO STATE L.J. 1321, 1344–45 (2008) (“Johnson’s successor, President Richard M. Nixon, built on race-conscious initiatives during the early years of his administration. Shortly after his election in 1968, Nixon signed the Voting Rights Act of 1970 and the Equal Employment Opportunity Act of 1972. In addition, he established set-asides for minority business enterprises seeking federal contracts. Even so, Nixon soon saw the political advantage in condemning both busing and affirmative action as part of an appeal to America’s ‘silent majority.’”).

68. Proclamation No. 3898, 83 Stat. 933, 933–34 (Mar. 4, 1969).

69. *Id.* at 934.

administer it; and each citizen must abide by its constraints and accept its responsibilities if the rights, freedoms, opportunities and protections of all citizens are to be guarded.”<sup>70</sup>

In 1971, the Law Day theme was “Channel Change Through Law and Reason.”<sup>71</sup> When discussing this theme, Nixon’s proclamation focused on the importance of the United States’s democratic institutions and started to reintroduce the original focus of Law Day—holding up the United States’s government as an example for the world. He noted that “governments reveal themselves most in the manner by which they provide for change,” and that “between the tyranny of anarchy and the tyranny of totalitarianism—the law has its dominion.”<sup>72</sup> He explained that the United States’s “ability to change by orderly process is essential to democratic government, for the success of such a form of government depends upon a capacity constantly to resolve the basic paradox of a system of liberty under law: that the supremacy of the law rests on its recognition of the supremacy of the people.”<sup>73</sup> Similarly, in 1972, his proclamation stated that that year’s Law Day “observances will be designed to promote greater efforts to renew our governmental institutions, strengthen the legal structure, and encourage a wider acceptance of the responsibilities of citizenship.”<sup>74</sup>

The Law Day theme turned to the nation’s court system in 1973, as did the presidential proclamation.<sup>75</sup> Nixon’s proclamation, ironically soon before the Supreme Court’s ruling requiring Nixon to turn over tape recordings and other documents relevant to the Watergate investigation,<sup>76</sup> stated:

The judicial system is the final arbiter of American justice—and the final guarantor of American democracy. The first principle of the judiciary must always be to interpret the law fairly and without prejudice—the rights of the weak must be equally protected with those of the strong, the rights of the poor with those of the rich, the rights of the guilty with those of the innocent.<sup>77</sup>

And in the year of his resignation in the wake of the Watergate scandal, he offered a concession:

[T]he law has force beyond the wish or the will of any single person or single group of persons. Our freedoms survive because no man or woman is beneath the protections of the law. And the law retains its value and force

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70. Proclamation No. 3957, 84 Stat. 2208 (Jan. 29, 1970).

71. *Law Day: List of Past Themes*, *supra* note 24.

72. Proclamation No. 4032, 85 Stat. 881 (Mar. 2, 1971).

73. *Id.*

74. Proclamation No. 4106, 86 Stat. 1602 (Feb. 8, 1972).

75. The theme in 1973 was “Help Your Courts Assure Justice.” *Law Day: List of Past Themes*, *supra* note 24.

76. *See* *United States v. Nixon*, 418 U.S. 683 (1974) (holding that neither the doctrine of separation of powers nor the doctrine of executive privilege can sustain an absolute and unqualified privilege against the disclosure of documents).

77. Proclamation No. 4193, 87 Stat. 1169 (Mar. 8, 1973).

because every person knows that no man or woman is above the requirements of the law.<sup>78</sup>

*E. Gerald R. Ford (1974–1977)*

Gerald R. Ford was president for only two Law Days. Of all the presidents, his Law Day proclamations are the most anodyne, containing no apparent references to his administrative priorities or to current events—even in the bicentennial year. The Law Day theme in 1975—“Young America Leads the Way”<sup>79</sup>—seems to reject prior implicit criticism of the student protests of the 1960s.<sup>80</sup>

*F. Jimmy Carter (1977–1981)*

President Jimmy Carter’s Law Day proclamations focused on everyday people and their relationship with the law and struck an exceedingly nonlegal tone. With a reputation as a sincere “everyman,”<sup>81</sup> his first proclamation in 1977 stressed that “laymen” needed to understand the role of the courts.<sup>82</sup> In 1978, he proclaimed, “The law is not the private property of lawyers, nor is justice the exclusive province of judges and juries. In the final analysis, true justice is not a matter of courts and law books, but of a commitment in each of us to liberty and to mutual respect.”<sup>83</sup> The following year he said, “Each citizen must accept a share of responsibility to administer and obey the law, if the rights and opportunities of all citizens are to be preserved.”<sup>84</sup> His last Law Day proclamation offered a relatable reflection: “The law is a human institution, reflecting the moods, customs and modes of conduct of our people. The law is our own creation. The law affects all of us from the cradle to the grave. It touches upon both the tangible and intangible aspects of our lives.”<sup>85</sup> All of his proclamations took a humble, introspective, and didactic form—neither holding up the nation as an example for other nations nor commenting on current events.

*G. Ronald Reagan (1981–1989)*

President Ronald Reagan’s Law Day proclamations returned to the tone of Eisenhower’s and Kennedy’s proclamations—all reflecting a view that American democracy and rule of law principles are superior to other nations’ governmental and legal systems. This is in keeping with his strong opposition to the spread of communism and his focus on building America’s

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78. Proclamation No. 4289, 88 Stat. 2477 (Apr. 30, 1974).

79. *Law Day: List of Past Themes*, *supra* note 24.

80. *See supra* note 64.

81. Marcia Greenwood, *Pittsford Woman Reflects on Her Time Working With Former President Jimmy Carter*, DEMOCRAT & CHRON. (Mar. 9, 2023, 7:58 AM), <https://www.democratandchronicle.com/story/news/2023/03/09/jimmy-carter-remembered-by-former-staffer-kelly-gagan/69969288007/> [<https://perma.cc/VC3H-9WRW>].

82. Proclamation No. 4499, 91 Stat. 1733 (Apr. 12, 1977).

83. Proclamation No. 4565, 92 Stat. 3925 (Apr. 25, 1978).

84. Proclamation No. 4649, 93 Stat. 1503 (Mar. 27, 1979).

85. Proclamation No. 4733, 45 Fed. Reg. 16161 (Mar. 11, 1980).

military might and defeating the Soviet Union in the nuclear arms race.<sup>86</sup> His 1982 proclamation said that “[t]he United States serves the world as a model of representative democracy, individual freedom and equal justice for all” and that “the United States will continue to be a beacon of liberty to oppressed peoples around the globe.”<sup>87</sup> He expressly called out the institution of martial law in Poland,<sup>88</sup> saying that “recent events in Poland” remind us of “the difference between the rule of force and the rule of law”<sup>89</sup> and characterizing America as a land where freedoms have grown in contrast to a decrease in rights in communist countries.<sup>90</sup>

In 1985, Reagan said that the nation’s commitment to liberty and justice under the law serves as “an inspiration to everyone in this great Nation[] because they represent a promise, an ideal, and an opportunity” and that “[i]t is the promise of liberty and justice for all that has brought millions of immigrants to American shores.”<sup>91</sup> In 1986, he similarly held up the Constitution and the people’s “voluntary adherence to the rule of law” as the reason why America continues “to be a country governed by law, rather than by force or the whim of a few self-proclaimed leaders.”<sup>92</sup> In keeping with prior years, in 1987 he made the following approbation:

In our Constitution, we the people tell government what it may do and what it may not; the people are sovereign, not the state. Thanks to our Constitution, the rule of law in the United States means the rule of the people. This is the difference between our Constitution and so many others; this is freedom.<sup>93</sup>

Other proclamations during Reagan’s presidency reflected his strong support of a federal system and civic engagement. For example, in 1983, he

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86. *The Reagan Presidency*, RONALD REAGAN PRESIDENTIAL LIBR. & MUSEUM, <https://www.reaganlibrary.gov/reagans/reagan-administration/reagan-presidency> [<https://perma.cc/T3DR-5FBF>] (last visited Apr. 3, 2024) (“Internationally, Reagan demonstrated a fierce opposition to the spread of communism throughout the world and a strong distrust of the Soviet Union, which in 1983 he labeled an ‘evil empire.’ He championed a rearmed and strong military and was especially supportive of the MX missile system and the Strategic Defense Initiative (‘Star Wars’) program.”).

87. Proclamation No. 4931, 47 Fed. Reg. 16761 (Apr. 16, 1982).

88. At the end of 1981, Poland’s communist government, headed by General Wojciech Jaruzelski, instituted martial law throughout the entire country. See William E. Smith, *The Darkness Descends*, TIME (Dec. 28, 1981), <https://content.time.com/time/subscriber/article/0,33009,949410,00.html> [<https://perma.cc/JZA6-ZZ2X>]. This was done in response to increasing unrest and growing support for a group called “Solidarity,” an independent trade union movement. *Id.* By December 28th, at least seven people were killed, hundreds more were injured, and as many as 50,000 were under arrest. *Id.* Apparently learning from the media outcry that followed the Soviet invasion of Czechoslovakia thirteen years prior, the Polish government banned all travel, instituted a curfew, and turned off phone lines to prevent news of the shutdown from getting out. *Id.*

89. Proclamation No. 4931, 47 Fed. Reg. at 16761.

90. See *id.* (“While freedom has been repressed in many lands since Law Day was first observed 25 years ago, it has steadily grown in our own, with increasing respect for the rights of all members of our society.”).

91. Proclamation No. 5320, 15 Fed. Reg. 15405 (Apr. 15, 1985).

92. Proclamation No. 5460, 51 Fed. Reg. 13203 (Apr. 16, 1986).

93. Proclamation No. 5634, 52 Fed. Reg. 13622 (Apr. 21, 1987).

noted that participation in government was critical and that it must begin “in our own neighborhoods, at town meetings, and during open sessions of city government. Meaningful sharing and participation in our system of justice must start where one is affected most: close to home.”<sup>94</sup>

In Reagan’s last year—an election year—he urged citizens to vote. He encouraged “Americans of legal voting age [to] make up their minds, this year and each year, to vote in every election for which they are eligible and to observe all election laws faithfully.”<sup>95</sup> He also told the nation that “[w]e should always remember that those who vote not only demonstrate their voice in public affairs but also exercise one of the precious rights for which brave people around the globe today fight and die just as did our ancestors.”<sup>96</sup>

#### *H. President George H. W. Bush (1989–1993)*

President George H. W. Bush’s Law Day proclamations strike a different tone than his predecessors’—they are at times more somber, calling out inequities in the justice system and advocating for their resolution. He also alluded to various issues of his day, including poverty, the HIV/AIDS epidemic, and the War on Drugs. His proclamations are longer than those of his predecessors and offer a window into his administration’s thinking about the importance of the rule of law and every citizen’s obligation in the context of contemporary events.

For example, in 1989, although lauding the nation’s legal system, Bush nevertheless acknowledged that “despite its many accomplishments, . . . our legal system still exhibits a number of imperfections.”<sup>97</sup> He noted that “[t]here remain members of our society for whom the promise of redress for their grievances has not yet been fully realized. Delay in court proceedings and the cost of pursuing legal remedies make it difficult for many Americans to have their claims adjudicated, regardless of their economic means.”<sup>98</sup> He further said that “[t]hese problems are particularly distressing to the poor. Many indigent persons are simply precluded from pursuing legal remedies to their grievances. All too often, this exclusion invites disrespect for our judicial system and subsequently undermines the strength of our democracy.”<sup>99</sup>

At the beginning of a new decade, when there was intense focus on the crack cocaine crisis and so-called “crack babies,”<sup>100</sup> Bush urged Americans to be

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94. Proclamation No. 5052, 48 Fed. Reg. 16647 (Apr. 15, 1983).

95. Proclamation No. 5799, 53 Fed. Reg. 13237 (Apr. 20, 1988).

96. *Id.*

97. Proclamation No. 5959, 54 Fed. Reg. 17697 (Apr. 21, 1989).

98. *Id.*

99. *Id.*

100. See Mikeisha T. Anderson, Note, *Criminal Penalties for Women Engaging in Substance Abuse During Pregnancy*, 21 WOMEN’S RTS. L. REP. 181, 181 (2000) (“Throughout the late 1980s and early 1990s, the media bombarded the public with speculative reports addressing cocaine and crack induced fetal harm. The convergence of the ‘war on drugs’ in the Reagan and Bush administrations, and the fevered pitch of the abortion battle, propelled

especially mindful of our obligation to provide legal protection to the most vulnerable among us: Americans at both ends of the spectrum of human life. The preborn child at risk of becoming addicted to drugs or infected with HIV as a result of his mother's substance abuse; the severely disabled or premature infant who requires specialized treatment; the senior citizen threatened by exploitation or experiencing difficulties in obtaining housing and medical care—each of these Americans is an heir to the rights enumerated in our Nation's founding documents. Each of these Americans needs and deserves protection under law, as well as in practice.<sup>101</sup>

He also suggested ways to help others, such as by “mentoring a young man or woman searching for direction, befriending a lonely senior citizen, or caring for the homeless and the hungry.”<sup>102</sup>

The following year was the 200th anniversary of the Bill of Rights. That year, Bush noted how the laws and founding documents of the United States have inspired other nations, saying that “[t]he United Nations General Assembly affirmed the ideals enshrined in our Bill of Rights when it adopted the Universal Declaration of Human Rights in 1948” and that ideals in the Bill of Rights “were also affirmed in the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe.”<sup>103</sup> Implicitly referencing the crumbling of the Soviet Union,<sup>104</sup> the Tiananmen Square protests and massacre,<sup>105</sup> and emerging democracies around the world,<sup>106</sup> he said that others continued “to look to America as a guide.”<sup>107</sup> In recognition of the Gulf War, which arose out of Iraq's invasion of Kuwait,<sup>108</sup> he also gave thanks to “our courageous military personnel” for their role in upholding the rule of law.<sup>109</sup>

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‘crack babies’ into the public imagination.” (citing Carol E. Tracy, *Women, Drugs and the Law*, WASH. POST, Sept. 29, 1998, at Z16)).

101. Proclamation No. 6125, 55 Fed. Reg. 18715 (May 1, 1990).

102. *Id.*

103. Proclamation No. 6283, 56 Fed. Reg. 19917 (Apr. 29, 1991).

104. Paul B. Stephan III, *The Fall—Understanding the Collapse of the Soviet System*, 29 SUFFOLK U. L. REV. 17, 18 (1995) (“But what does it mean to say that Soviet communism was a failure? Like proclamations that the Cold War is over, the declaration of the death of communism remains a slogan rather than an insight. Many have said much on the subject since 1989, the annus mirabilis that saw the shucking off of Soviet domination in Eastern Europe and unmistakable signs of the system's demise in the Soviet Union and China.”).

105. David Holley, *I Watched the 1989 Tiananmen Uprising. China Has Never Been the Same*, L.A. TIMES (May 30, 2019, 3:00 AM), <https://www.latimes.com/world/asia/la-fg-china-tiananmen-looking-back-20190530-story.html> [<https://perma.cc/5RZB-PWSJ>] (“In the predawn hours of June 4, 1989, the Chinese army was bringing a bloody end to seven weeks of student-led protests centered on Tiananmen Square, Beijing's historic center.”).

106. “What is emerging victorious, in other words, is not so much liberal practice, as the liberal *idea*. That is to say, for a very large part of the world, there is now no ideology with pretensions to universality that is in a position to challenge liberal democracy, and no universal principle of legitimacy other than the sovereignty of the people.” FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* 45 (1992) (emphasis in original).

107. Proclamation No. 6283, 56 Fed. Reg. at 19917.

108. See Michael R. Gordon, *Iraq Army Invades Capital of Kuwait in Fierce Fighting*, N.Y. TIMES, Aug. 2, 1990, at A1; James P. Terry, *Gulf War Syndrome: Addressing Undiagnosed Illnesses from the First War with Iraq*, 1 VETERANS L. REV. 167, 169–71 (2009).

109. Proclamation No. 6283, 56 Fed. Reg. at 19917.



In his last year in office, Bush directly addressed the Rodney King verdict<sup>110</sup> and the riots that followed, calling on American citizens to express their discontent peacefully. He noted that “[i]n recent days, the rule of law has been challenged in the most profound way. A jury verdict has been viewed by a large number of Americans as indefensible.”<sup>111</sup> He explained,

There is, however, a difference between frustration with the law and direct assaults upon it. Those frustrated and angered by this outcome must understand: in order to remain a civilized society, we must pursue peaceful, orderly means of resolving such concerns. The wanton destruction of human life and property is not a legitimate expression of outrage with injustice; it is itself injustice. No rationalization, no matter how heartfelt, can make it otherwise.<sup>112</sup>

### *I. Bill Clinton (1993–2001)*

President Bill Clinton’s Law Day proclamations continued to hold up America’s democratic and legal institutions as an example for the rest of the world to follow. But, more than any of his predecessors, he used the proclamations to discuss his political agenda and his administration’s legislative goals. And, like President Bush before him, he frequently referenced current events.

For example, in Clinton’s first Law Day proclamation and foreshadowing his imminent appointment of Justice Ruth Bader Ginsberg to the bench, he said, “My Administration will work hard to improve the quality of justice in our courts by selecting the very best men and women to serve as Federal judges.”<sup>113</sup> He then reiterated campaign promises, saying that his administration would launch

new and innovative measures to combat crime and ensure public safety[,] . . . reinvigorat[e] [] civil rights laws and . . . application of them[,] . . . increas[e] enforcement of [] child support laws[,] . . . strengthen

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110. On March 3, 1991, following a car chase that lasted for approximately fifteen minutes, police officers in L.A. County brutally beat Rodney King, an African American citizen. Abraham L. Davis, *The Rodney King Incident: Isolated Occurrence or a Continuation of a Brutal Past?*, 10 HARV. BLACKLETTER J. 67, 67 (1993). The venue of the trial was moved from Los Angeles to Simi Valley, which housed a predominantly white, conservative community. *Id.* The venue change resulted in a jury that consisted of ten white people, one Hispanic person, and one Asian person. *Id.* The makeup of the jury, coupled with the jury’s not-guilty verdict for the charges of assault and excessive use of force against the police officers, inspired rage, disgust, and charges of racism in the African American community. *Id.* at 68. “Rage turned into the worst rioting and violence that had occurred in any city in American history.” *Id.* (comparing the aftermath of the 1965 riots in Watts—thirty-four people dead, more than 1,000 injured, and an estimated \$40 million in property damage—with the aftermath of the riots following the Rodney King verdict—sixty deaths, more than 2,000 people injured, and an estimated \$1 billion in property damage).

111. Proclamation No. 6429, 57 Fed. Reg. 19371 (May 1, 1992).

112. *Id.*

113. Proclamation No. 6555, 58 Fed. Reg. 26503 (Apr. 30, 1993). Justice Ruth Bader Ginsburg was appointed to the Supreme Court on August 3, 1993, by a vote of ninety-six to three. *Roll Call Vote 103rd Congress—1st Session*, U.S. SENATE, [https://www.senate.gov/legislative/LIS/roll\\_call\\_votes/vote1031/vote\\_103\\_1\\_00232.htm](https://www.senate.gov/legislative/LIS/roll_call_votes/vote1031/vote_103_1_00232.htm) [https://perma.cc/W5UD-HLFF] (last visited Apr. 3, 2024).

our environment by demanding that polluters pay for the harm that they cause[,] . . . [and] strengthen [the] economy by ensuring that all persons have an equal right to opportunity and employment.<sup>114</sup>

Clinton's first proclamation, however, also told Americans that "we should never forget that it is our legal system that is the envy of the world" and that "[d]emocracies around the world, new and old, look to us to lead the way"—in keeping with proclamations of the past.<sup>115</sup>

In 1994, Clinton expressed concerns that the nation's "system is tested daily by the epidemic of crime and violence here at home" and that "too many children must pass through metal detectors to go to school . . . [and] are approached by drug dealers in public parks, or worry that they will be victims of drive-by shootings."<sup>116</sup> He urged "every American to support those who fight to promote respect for the law, from police officers, judges, and other members of the legal system to parents, teachers, and clergy."<sup>117</sup> The scourge of school shootings had not yet plagued the nation and threats to children were viewed to be external to the school—the Columbine High School shooting occurred later, in 1999.<sup>118</sup>

In 1995, with the advent of a new technological age and everyday citizens beginning to regularly use cellular telephones, email, and the internet, President Clinton noted that "[g]reat technological advances are leading us to redefine and expand the ways in which laws apply to us as individuals and as a Nation."<sup>119</sup>

The next year, he made a clear reference to the Oklahoma City bombing<sup>120</sup> and other terrorism abroad<sup>121</sup> when he said that "as we confront the threats of domestic and international terrorism and the violence that plagues our neighborhoods and schools, it is more important than ever for Americans to understand" the importance of the Constitution and being governed by laws.<sup>122</sup>

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114. Proclamation No. 6555, 58 Fed. Reg. at 26503.

115. *Id.*

116. Proclamation No. 6679, 59 Fed. Reg. 22955 (Apr. 30, 1994).

117. *Id.*

118. Katie Hammett, Commentary, *School Shootings, Ceramic Tiles, and Hazelwood: The Continuing Lessons of the Columbine Tragedy*, 55 ALA. L. REV. 393, 393 (2004).

119. Proclamation No. 6792, 60 Fed. Reg. 21423 (Apr. 27, 1995).

120. The Oklahoma City bombing occurred the year before this proclamation was issued. *Oklahoma City Bombing*, FED. BUREAU INVESTIGATIONS, <https://www.fbi.gov/history/famous-cases/oklahoma-city-bombing> [<https://perma.cc/TRS8-XAXS>] (last visited Apr. 3, 2024).

121. Also in 1995, six foreign tourists (two of whom were American) were kidnapped while on vacation in Kashmir. Shawn Vestal, 'New Age of Terror' Has Spokane Link, SPOKESMAN-REV. (Dec. 21, 2014), <https://www.spokesman.com/stories/2014/dec/21/new-age-of-terror-has-spokane-link/> [<https://perma.cc/9LD6-Z39M>]. Only one American escaped; a Norwegian tourist was found dead, and the other victims were never found. Heather Timmons, *In 'The Meadow,' a Chilling Alternate View of the 1995 Kashmiri Kidnappings*, N.Y. TIMES (Apr. 13, 2012, 9:59 AM), <https://archive.nytimes.com/india.blogs.nytimes.com/2012/04/13/in-the-meadow-a-chilling-alternate-view-of-the-1995-kashmiri-kidnappings/> [<https://perma.cc/KG33-GS64>].

122. Proclamation No. 6890, 61 Fed. Reg. 19803 (Apr. 30, 1996).

In 1998, Clinton touted the creation of the Legal Services Corporation (LSC)<sup>123</sup> and the work it did to ensure “citizens’ access to the legal help they need to secure child support, escape domestic violence, or fight unscrupulous lenders,” and he emphasized that the nation “must affirm and strengthen [its] national legal services system to ensure that all Americans have an equal opportunity to enjoy the rights and liberties guaranteed in our Constitution.”<sup>124</sup>

In 1999, on the eve of a new presidential election year, Clinton took the opportunity to highlight his administration’s accomplishments and to demonstrate his faith in the law as a tool of advancement. He noted that “only the passage of additional laws over time has fulfilled the promise of justice enshrined in” the Constitution, including “[a]mendments abolishing slavery[,] guaranteeing due process and equal protection to everyone,” and giving women the right to vote, as well as laws such as the Civil Rights Act of 1964,<sup>125</sup> the Voting Rights Act of 1965,<sup>126</sup> the Age Discrimination in Employment Act of 1967,<sup>127</sup> and the Americans with Disabilities Act of 1990.<sup>128</sup> He then highlighted his administrative achievements including “a new initiative . . . to remove significant barriers that prevent people with disabilities from joining the work force . . . ,” including providing “tax credits to offset critical and expensive transportation costs, increased funding for assistive technology research, and greater access to health care for people with disabilities.”<sup>129</sup>

He also announced his signing of “Executive Order 13087,” which prohibited “discrimination based on sexual orientation in the Federal civilian work force,” and his efforts to pass “the Employment Non-Discrimination Act,” a law that would prohibit private employers from discriminating on the

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123. “LSC is the single largest funder of civil legal aid for low-income Americans in the nation. Established in 1974, LSC . . . promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans.” *About LSC*, LEGAL SERVS. CORP., <https://www.lsc.gov/about-lsc> [<https://perma.cc/2XVE-4RKF>] (last visited Apr. 3, 2024). Since 2021, LSC Board Chairman John G. Levi has issued a short statement for Law Day. *See* Press Release, Legal Servs. Corp., Law Day 2021: Message from John G. Levi, Chairman, Legal Services Corporation (May 3, 2021), <https://www.lsc.gov/press-release/law-day-2021-message-john-g-levi-chairman-legal-services-corporation> [<https://perma.cc/ZW4N-MPVU>]; Press Release, Legal Servs. Corp., Law Day Statement of LSC Board Chair John Levi (Apr. 29, 2022), <https://www.lsc.gov/press-release/law-day-statement-lsc-board-chair-john-levi> [<https://perma.cc/5TW3-8D74>]; Press Release, Legal Servs. Corp., *supra* note 36. These statements highlight troubling statistics regarding the amount of legal assistance that low-income Americans receive. *See id.* (“LSC’s recent Justice Gap study found that low-income Americans received no or inadequate legal help for a staggering 92% of all the civil legal problems that impacted them substantially.”). The statements also advocate for LSC’s cause: “provid[ing] ‘equal access to the system of justice.’” *Id.*

124. Proclamation No. 7090, 63 Fed. Reg. 25147 (May 1, 1998).

125. Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 5, 42, and 52 U.S.C.).

126. Pub. L. No. 89-110, 79 Stat. 437 (codified as amended in scattered sections of 52 U.S.C.).

127. Pub. L. No. 90-202, 81 Stat. 602 (codified as amended in 29 U.S.C. §§ 621–634).

128. Pub. L. No. 101-336, 104 Stat. 327 (codified as amended in scattered sections of 42 and 47 U.S.C.); *see also* Proclamation No. 7191, 64 Fed. Reg. 24279 (Apr. 30, 1999).

129. Proclamation No. 7191, 64 Fed. Reg. at 24279.

basis of sexual orientation.<sup>130</sup> He similarly announced his efforts to “secure equal pay legislation to ensure that women and minority employees receive fair compensation for their work.”<sup>131</sup>

In his last proclamation (issued during an election year), he noted “the vital role that the law and America’s legal community have played in protecting our freedoms and extending them to an ever-widening circle of Americans.”<sup>132</sup> He thanked Americans, and especially lawyers, who worked to end “bigotry and discrimination” and “uphold our Nation’s promise of equality and justice for all.”<sup>133</sup> However, he lamented “stubborn obstacles to true freedom and justice—obstacles such as poverty, unemployment, and lingering discrimination.”<sup>134</sup> He then noted what he thought were important priorities, including helping “underserved communities increase homeownership and entrepreneurship” and “providing skilled representation to low-income Americans.”<sup>135</sup>

*J. George W. Bush (2001–2009)*

President George W. Bush came into office following a Supreme Court decision halting Florida’s recount.<sup>136</sup> His proclamations struck a more neutral tone than Clinton’s proclamations and had less focus on personal hardships than those of his father, George H. W. Bush. His proclamations stayed away from direct reference to current events or showcasing administrative priorities.

In his first proclamation, he reflected on high crime rates and expressed “gratitude for a legal system that recognizes the importance of protecting the rights of those who are victimized by crime.”<sup>137</sup> He urged Americans to increase “efforts to prevent crimes and effectively punish those who commit them, to ensure that similar violations are discouraged and law-abiding citizens are protected.”<sup>138</sup>

Just a few months after this proclamation, the terrorist acts on September 11, 2001, profoundly changed the nation and the course of Bush’s presidency. Yet, the 2002 Law Day proclamation did not touch on terrorism at all. Instead, it focused on the nation’s court system, noting how “a strong and independent judiciary was a cornerstone of democracy.”<sup>139</sup> Bush had

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130. *Id.*

131. *Id.*

132. Proclamation No. 7298, 65 Fed. Reg. 25823 (Apr. 28, 2000).

133. *Id.*

134. *Id.*

135. *Id.*

136. *See* Bush v. Gore, 531 U.S. 98 (2000) (holding that manual recounts ordered by the Supreme Court of Florida violated the Equal Protection Clause on account of the court’s failure to articulate specific standards to determine the “intent of the voter” and, thus, implement its order).

137. Proclamation No. 7431, 66 Fed. Reg. 22423 (Apr. 30, 2001).

138. *Id.*

139. Proclamation No. 7548, 67 Fed. Reg. 30307 (Apr. 30, 2002).

had trouble getting his judicial nominations through the Senate<sup>140</sup> and seemed to have been focused on the judiciary, appearing to instruct readers on the process and implying the strength of his nominees, stating,

Our forefathers imagined a well-qualified judiciary put in place through a dynamic and constructive interaction between the executive and legislative branches of Government. Under our Constitution, the President selects individuals for nomination to the Federal judiciary and the Senate provides its advice and consent. In all cases, both branches of Government strive to make certain that only men and women of the highest intellect, character, integrity, judgment, and experience are appointed to serve our Nation and its citizens in these critical positions.<sup>141</sup>

And in 2004, in a notable change in tone from Johnson and Nixon regarding the violent domestic civil rights protests of the 1960s, President Bush said,

Our Nation is grateful for the brave men and women and boys and girls who challenged segregation and helped make equal justice under law a reality for all Americans. We remember Thurgood Marshall, the heroic lawyer who represented Linda Brown and fought for her rights and the rights of all African Americans. We remember the nine justices of the Supreme Court of the United States who helped America begin to make equal justice under law a reality for African Americans.<sup>142</sup>

He encouraged “all Americans to celebrate the great distance we have traveled as a Nation and to continue our work to promote equality and opportunity for all.”<sup>143</sup>

His subsequent proclamations were short and nonpartisan in nature.

#### *K. Barack Obama (2009–2017)*

President Barack Obama’s Law Day proclamations also strike a neutral tone by mostly discussing the Law Day theme of the year. He did, however, discuss some prevalent issues of his day, including voting rights, racial and gender equality, and (unsurprisingly given public outrage over police shootings of unarmed Black and Brown people) relations between police and the communities they are sworn to protect. More so than almost all of his

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140. On October 30, 2002 President Bush introduced four proposals “to break the logjam in Washington and bring the federal courts of appeals and district courts to full strength.” George W. Bush, *Remarks by the President on Judicial Confirmations*, WHITE HOUSE (Oct. 30, 2002, 1:40 PM), <https://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021030-6.html> [<https://perma.cc/WCJ3-DJ9U>]. During the remarks, President Bush complained about the amount of time it was taking the Senate to confirm his nominees to the federal bench. *Id.* (“Nearly 18 months ago, at an event right here in the East Room, I introduced my first 11 nominees to the Court of Appeals . . . . Thus far, only three of these 11 nominations have been brought to a vote in the United States Senate . . . . In all, I have sent to the Senate 32 nominees for the Court of Appeals . . . . Yet the Senate has confirmed only 14 of these 32 nominees, which is far below the pace of past Senates at the start of an administration. It’s a lousy record.”).

141. Proclamation No. 7548, 67 Fed. Reg. 30307 (Apr. 30, 2002).

142. Proclamation No. 7778, 69 Fed. Reg. 25287 (Apr. 30, 2004).

143. *Id.*

predecessors, President Obama explicitly criticized inequities and disparities in the American legal system. Although he always noted America's system as a model for the world,<sup>144</sup> he spent more time discussing problems that needed to be fixed in his proclamations.

The first Law Day theme of President Obama's administration celebrated President Abraham Lincoln.<sup>145</sup> President Obama said that "Lincoln was one of the greatest Presidents and one of the greatest lawyers, in our Nation's history" and that "Lincoln's lasting legacy is his vision of the 'more perfect Union' promised in our Constitution's preamble."<sup>146</sup>

The next year, President Obama mentioned the "increasingly interconnected world," noting that "legal issues of human rights, criminal justice, intellectual property, business transactions, dispute resolution, human migration, and environmental regulation affect us all."<sup>147</sup> He otherwise hewed closely to that year's Law Day theme of emerging challenges to the legal system of the United States.<sup>148</sup> He obliquely referenced his campaign vow to close Guantanamo Bay detention camp in 2011 and his frustration over Congress's action to block accused terrorists from being tried in civilian courts instead of military tribunals, remembering how President John Adams had represented a "British officer and eight British soldiers charged with firing into a crowd and killing five men in the Boston Massacre" and noting that "[i]n the face of mass public outcry and at great personal risk, he accepted the case and showed the world that America is a nation of laws and that a fair trial is the right of all people."<sup>149</sup>

The theme in 2013 marked the 150th anniversary of the issuance of the Emancipation Proclamation and the fiftieth anniversary of Dr. Martin Luther King, Jr.'s "I Have a Dream" speech.<sup>150</sup> President Obama's proclamation that year honored "the courageous men and women who fought to bring [the] ageless ideals of freedom and fairness into the rule of law—from the Civil Rights Act and the Voting Rights Act to Title IX and the Americans with Disabilities Act."<sup>151</sup> He noted the need for more progress, saying that the "work is not yet finished," that "[o]pportunity remains painfully unequal for too many among us," and that "justice too often goes undone."<sup>152</sup>

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144. See, e.g., Proclamation No. 8367, 74 Fed. Reg. 20861 (Apr. 30, 2009) ("This vision of a true United States of America, bound together by a recognition of the common good, guided our country through its darkest hour and helped it re-emerge as a beacon of freedom and equality under law."); Proclamation No. 8665, 76 Fed. Reg. 25527 (Apr. 29, 2011) ("President Adams' legacy of dedication to fairness and the rights of the accused has been carried forward by members of the legal profession for more than two centuries. It is championed by those who represent the accused and exemplified by women and men who are devoted to securing equal rights for all, both in America and around the world.").

145. Proclamation No. 8367, 74 Fed. Reg. at 20861.

146. *Id.*

147. Proclamation No. 8511, 75 Fed. Reg. 24369 (Apr. 29, 2010).

148. *Law Day: List of Past Themes*, *supra* note 24.

149. Proclamation No. 8665, 76 Fed. Reg. at 25527.

150. *Law Day: List of Past Themes*, *supra* note 24.

151. Proclamation No. 8972, 78 Fed. Reg. 26227 (Apr. 30, 2013).

152. *Id.*

His 2014 proclamation was one of his more political ones. The theme was voting, and President Obama discussed the historical struggle in this country to give African Americans and women the right to vote, saying that “every citizen should have a voice in our democracy.”<sup>153</sup> He lamented that, notwithstanding laws such as the Voting Rights Act of 1964, “barriers to voting still exist, and the right to vote faces a new wave of threats.”<sup>154</sup> He then provided examples, saying that “[i]n some States, women may be turned away from the polls because they are registered under their maiden name; in others, seniors who have been voting for decades may suddenly be told they cannot vote because they do not have a particular form of identification.”<sup>155</sup> To address these barriers, he said that he had appointed a bipartisan commission<sup>156</sup> that had “recommended a series of common-sense reforms to protect the right to vote, curb the potential for fraud, and ensure no one has to wait more than a half hour to cast a ballot”; he also urged “[s]tates and local election officials [to] implement these recommendations.”<sup>157</sup>

His last proclamation, which offered parting thoughts on the rule of law, was perhaps his most political. He said that “[t]oday, our society faces new challenges to [the] age-old tenet” of equal justice under law, explaining that “[o]ur criminal justice system is in serious need of reform; disparities in stops, arrests, and sentencing persist; and in too many places distrust exists between community members and law enforcement officers.”<sup>158</sup> He then touted his creation of a “Task Force on 21st Century Policing,” saying that it “has provided a roadmap for strengthening relationships between local police and the communities they serve, helping to uphold the integrity of our criminal justice system.”<sup>159</sup> He also said that his “[a]dministration ha[d] . . . taken action to address unfair sentencing disparities that undermine the equitable application of the law.”<sup>160</sup>

#### L. Donald J. Trump (2017–2021)

President Donald J. Trump’s first Law Day proclamation was typical of those of past presidents. For example, he noted in 2017 that the “Framers of our Constitution created a government of limited and separated powers that enables the rule of law to prevail over the whims of government officials,”

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153. Proclamation No. 9115, 79 Fed. Reg. 25655 (Apr. 30, 2014).

154. *Id.*

155. *Id.*

156. In 2013, President Obama appointed a bipartisan committee to study the administration of elections among the states and propose recommendations to “to help local and state elections officials improve all voters’ experience in casting their ballots.” *Presidential Commission on Election Administration Presents Recommendations to President Obama*, U.S. ELECTION ASSISTANCE COMM’N (Jan. 22, 2014), <https://www.eac.gov/news/2014/01/22/presidential-commission-election-administration-presents-recommendations-president> [<https://perma.cc/7X5T-K38S>].

157. Proclamation No. 9115, 79 Fed. Reg. at 25655.

158. Proclamation No. 9428, 81 Fed. Reg. 26091 (Apr. 27, 2016).

159. *Id.*

160. *Id.*

and he paid “tribute to the [United States’s] government of laws, and not of men.”<sup>161</sup>

In subsequent years, his Law Day proclamations departed from the themes of his predecessors’ proclamations and explicitly criticized the judiciary and what he viewed as bloated government. He lamented the “unfortunate trend of district court rulings that exceed traditional limits on the judicial power.”<sup>162</sup> He took issue with district court judges who issue “improper injunctions.”<sup>163</sup> He denounced regulations and administrative agencies, whom he viewed as unaccountable and as making “unnecessary and burdensome regulations” that intrude on “the lives of American citizens.”<sup>164</sup> He also used his proclamations to tell Americans that he objected to the stifling of free speech on college campuses; consequently, he had signed an Executive Order “to ensure that public universities receiving Federal research or education grants are promoting free inquiry and not stifling open debate.”<sup>165</sup> In his last year, the 100th anniversary of the Nineteenth Amendment giving women the right to vote, he focused on his administration’s attempt “to simplify and streamline America’s statutory and regulatory code, checking encroachments by government on individual liberty and unleashing the spirit of genius and innovation that has made America the freest and most prosperous country in the world.”<sup>166</sup> And, continuing with his criticism of the judiciary and efforts to reform it, he said that one of his “top priorities as President has been to nominate and appoint judges who are faithful to the proper role of the judiciary—to interpret the law, not to make it.”<sup>167</sup>

#### *M. Joseph R. Biden (2021–2024)*

President Joseph R. Biden, like President Clinton, used his proclamations as a chance to discuss his administration’s efforts to uphold the rule of law

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161. Proclamation No. 9604, 82 Fed. Reg. 21105 (May 1, 2017).

162. Proclamation No. 9732, 83 Fed. Reg. 19601 (Apr. 30, 2018).

163. Proclamation No. 9872, 84 Fed. Reg. 19693 (Apr. 30, 2019).

164. *Id.*

165. *Id.* Under Executive Order 13,864, titled “Improving Free Inquiry, Transparency and Accountability at Colleges and Universities,” “colleges would need to agree to protect free speech in order to tap into more than \$35 billion a year in research and educational grants.” Collin Binkley, *Trump Orders Colleges to Back Free Speech or Lose Funding*, AP (Mar. 21, 2019, 9:37 PM), <https://apnews.com/article/north-america-donald-trump-lifestyle-ap-top-news-ca-state-wire-7b50a833699d4ccb38450ff9c1524> [<https://perma.cc/6MEW-58MR>]. “For public universities, that means vowing to uphold the First Amendment, which they’re already required to do. Private universities, which have more flexibility in limiting speech, will be required to commit to their own institutional rules.” *Id.* The Biden administration has since sought to rescind the rule. Rachel N. Morrison, *Education Department Proposes Rescinding Religious Student Group Protections and Requests Info on Campus Free Speech Regulations*, FEDERALIST SOC’Y (Mar. 3, 2023), <https://fedsoc.org/commentary/fedsoc-blog/education-department-proposes-rescinding-religious-student-group-protections-and-requests-info-on-campus-free-speech-regulations> [<https://perma.cc/VJ95-T8EU>].

166. Proclamation No. 10018, 85 Fed. Reg. 26589 (Apr. 29, 2020).

167. *Id.*



and to adapt it to meet societal challenges. His proclamations also touch on current events more explicitly than most of his predecessors and express a degree of alarm about the state of American society not seen in any prior proclamations. His proclamations are longer than most other proclamations and seem to reflect an effort to teach Americans about how the rule of law can help the nation through crisis.

In his first proclamation, in a clear attempt to bring the country together after a contentious election that ended with an attack on the U.S. Capitol, he said, “[T]he United States wasn’t built around an ethnicity, religion, or tribe—it was built around common ideals. The rule of law is central to those ideals. It is what limits the abuse of power in our Nation, whether by an individual or a mob.”<sup>168</sup> He went on to say,

Recently, we were again called to recognize that democracy is precious and fragile. We have witnessed grave threats to our democratic institutions and to the rule of law itself. These tragic events have taught us once again that when we are united, we can overcome the greatest challenges and move our country forward—but it takes a commitment to law over demagoguery, and the enforcement of law free from political interference, to do so.<sup>169</sup>

He further added that “we still face chilling echoes of those threats to equality, justice, and the rule of law in the form of rising political extremism, white supremacy, and domestic terrorism.”<sup>170</sup>

President Biden promised Americans that his “Administration is committed to advancing the rule of law within the United States so that everyone is ensured equal justice under the law, an equal place in our democracy, and the opportunity to fulfill their potential free from abuses of power,” noting two documents he signed on his first day in office: (1) an “Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” and (2) a “memorandum on Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.”<sup>171</sup> Both of these were designed to send a message to Americans that they must unite and support each other to combat hate and support the ideals in the founding documents.<sup>172</sup> He then outlined things his administration had done, including directing “[f]ederal agencies to facilitate access to voting using their existing legal authority,” supporting “further legislation to protect the sacred right to vote and make it more equitable and accessible for all Americans to exercise that right,” and ensuring that the United States leads “not by the example of our power, but by the power of our example.”<sup>173</sup>

He continued to use the Law Day proclamations as teaching moments in a time of great internal and international crises. In 2022, he said,

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168. Proclamation No. 10197, 86 Fed. Reg. 23859 (Apr. 30, 2021).

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.*

The impact of the COVID-19 pandemic on our communities has put a spotlight on lingering inequities that we must continue to address head on. Together, we must build a better America, anchored by the rule of law, to ensure that every one of us can live lives of limitless possibility. Amid unprecedented threats to democracy both here at home and across the globe, the world is watching America to see whether we can meet this moment.<sup>174</sup>

He then set forth things his administration was doing to help America in this time of crisis, including ensuring “that everyone—regardless of race, gender, sexual orientation, gender identity, ethnicity, religion, disability, income, or zip code—is ensured equal justice under the law and is entitled to an equal place in our democracy”; fighting “for voting rights legislation to protect that most sacred of rights from discriminatory and burdensome constraints”; promoting “information about the election process and opportunities to register to vote”; and supporting “the heroic resistance of the Ukrainian people in the unprovoked and unjustified war Russia has thrust upon them.”<sup>175</sup>

In 2023, he similarly said that the

Nation and world are at an inflection point. At home and around the globe, autocrats and dictators threaten the rule of law. Our democracy is under strain, with people’s rights, including the sacred right to vote, at risk. We face a choice between moving backward—unravelling so much of the progress our Nation has made—or moving forward toward a future of possibilities and promise. We must choose to move forward.<sup>176</sup>

He then explained what his administration had done, including issuing “an Executive Order promoting access to voter registration and election information” and signing the Electoral Count Reform Act of 2022,<sup>177</sup> “which establishes clear guidelines for certifying and counting electoral votes to help preserve the will of the people against future attempts to overturn our elections.”<sup>178</sup> He noted that he had signed into law the bipartisan COVID-19 Hate Crimes Act,<sup>179</sup> thus “making it easier to report hate crimes and helping State, local, and Tribal law enforcement agencies better track these crimes”; that he had “secured the largest-ever increase in funding for the physical security of nonprofits, including churches, gurdwaras, mosques, synagogues, temples, and other houses of worship”; that he had “convened the first-ever White House Summit on combating hate-fueled violence”; and that he had “established a new interagency group to counter antisemitism, Islamophobia, and related forms of bias and discrimination within the United States.”<sup>180</sup> He promised to “continue to marshal security, humanitarian, and economic support for Ukraine”; “promote transparent and accountable governance,

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174. Proclamation No. 10376, 87 Fed. Reg. 26121 (Apr. 28, 2022).

175. *Id.*

176. Proclamation No. 10568, 88 Fed. Reg. 27681 (Apr. 28, 2023).

177. Pub. L. No. 117-328, 136 Stat. 5233 (codified in scattered sections of the U.S.C.).

178. *Id.*

179. Pub. L. No. 117-13, 135 Stat. 265 (2021) (codified in scattered sections of 18 and 34 U.S.C.).

180. *Id.*

democratic resilience, and respect for human rights”; support “free and independent media”; “fight the corruption that undermines democratic institutions”; “ensure new technology is used to strengthen democracy”; and “defend free and fair elections.”<sup>181</sup> He reminded Americans that “[t]his great national experiment only works if we respect each other’s differences, protect each other’s freedoms, and work together to ensure that ‘We, the People,’ get to choose our own fate and make our own future.”<sup>182</sup>

#### CONCLUSION

When surveying the entire body of Law Day themes and proclamations over the last sixty-five years, it is easy to see how the rule of law promotes timeless principles of freedom, justice, and equality and provides an ordered and predictable structure that allows society to evolve while staying true to its founding principles. But it is also interesting to see the themes and proclamations in historical context and to reflect on how Law Day has evolved and how different presidents have used the proclamations to influence public discourse about the United States’s democratic system. Throughout many crises, including the Vietnam War, the Bay of Pigs invasion, the Gulf War, the war in Afghanistan, the Iraq War, multiple economic recessions, and the COVID-19 pandemic; throughout many social movements, including for racial and sexual justice and environmental rights; and throughout political upheavals such as the Watergate scandal and the January 6th attack on the U.S. Capitol, Law Day themes have remained fixed on the founding principles of the nation as one that is ruled by law and that expresses faith in the law as the instrument to navigate storms.

It also is clear how critical lawyers have been and are to teaching Americans about their legal system and reminding Americans about the purpose of Law Day as set forth in its legislative history—to “rededicate themselves to the ideals of equality and justice under law in their relations with each other and with other nations” and to “cultivate . . . respect for law which is vital in a democratic society.”<sup>183</sup> Indeed, it was a lawyer and the ABA that proposed Law Day; it is the ABA that provides draft proclamations to the White House and the jumping off point for U.S. presidential proclamations; and it is national, state, and local bar associations, in cooperation with the courts and schools, that teach Americans about important aspects of the rule of law each year.

Law Day remains just as important today as it was in 1958. And, just as it has throughout the decades, it is an opportunity for Americans to reflect on their relationship to the law and how adherence to the rule of law shapes society and ensures individual freedoms. With increased public discourse about the rule of law in society and civic education, lawyers should take the

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181. *Id.*

182. *Id.*

183. Proclamation No. 3405, 75 Stat. 1048 (Apr. 7, 1961). *See, e.g.*, Proclamation No. 3445, 76 Stat. 1444 (Jan. 16, 1962); Proclamation No. 3571, 78 Stat. 1224 (Jan. 16, 1964).

opportunity to learn about Law Day and promote this critical day of teaching and celebration.

APPENDIX A  
LAW DAY THEMES

<i>Presidential Administration</i>	<i>Year</i>	<i>Law Day Theme</i>
Dwight D. Eisenhower	1958	No theme listed
	1959	No theme listed
	1960	No theme listed
John F. Kennedy	1961	No theme listed
	1962	The Law—Wellspring of Liberty
	1963	Law—Rule of Right, Not Might
Lyndon B. Johnson	1964	Observe the Law—Key to Order, Justice, Freedom
	1965	Uphold the Law— a Citizen's First Duty
	1966	Respect the Law— It Respects You
	1967	No Man Is Above the Law and No Man Is Below It
	1968	Only a Lawful Society Can Build a Better Society
Richard M. Nixon	1969	Justice and Equality Depend on Law and YOU!
	1970	Law—a Bridge to Justice
	1971	Channel Change Through Law and Reason
	1972	No theme listed
	1973	Help Your Courts Assure Justice
	1974	No theme listed
Gerald R. Ford	1975	Young America, Lead the Way
	1976	200 Years of Liberty and the Law
Jimmy Carter	1977	Partners in Justice
	1978	Your Access to Justice
	1979	Our Changing Rights
	1980	Law and Lawyers— Working for You
Ronald Reagan	1981	No theme listed
	1982	A Generation of Progress

	1983	Sharing in Justice <sup>184</sup>
	1984	Law Makes Freedom Work <sup>185</sup>
	1985	Liberty and Justice for All
	1986	Foundations of Freedom
	1987	We the People
	1988	Legal Literacy
George H. W. Bush	1989	Access to Justice
	1990	Generations of Justice
	1991	Freedom Has a Name: The Bill of Rights
	1992	Struggle for Justice
William J. Clinton	1993	Justice for All
	1994	Just Solutions
	1995	E Pluribus Unum
	1996	The U.S. Constitution: The Original American Dream
	1997	Celebrate Your Freedom: First Amendment Freedoms
	1998	Celebrate Your Freedom: Due Process Guarantees
	1999	Celebrate Your Freedom: The Quest for Equality
	2000	Celebrate Your Freedom: Speak Up for Democracy and Diversity
George W. Bush	2001	Ensuring the Rights of Victims <sup>186</sup>
	2002	Celebrate Your Freedom: Assuring Equal Justice for All
	2003	Celebrate Your Freedom: Independent Courts Protect Our Liberties
	2004	To Win Equality by Law: <i>Brown v. Board at 50</i>

184. The ABA website says that the theme for 1983 was “Law—The Language of Liberty.” *Law Day: List of Past Themes, supra* note 24. President Reagan’s proclamation, however, says that the theme was “Sharing in Justice.” Proclamation No. 5052, 48 Fed. Reg. 16647 (Apr. 15, 1983).

185. The ABA website says that the theme for 1984 was “A Generation of Progress.” *Law Day: List of Past Themes, supra* note 24. President Reagan’s proclamation, however, says that the theme was “Law Makes Freedom Work.” Proclamation No. 5175, 98 Stat. 3575 (Apr. 9, 1984).

186. The ABA website says that the theme for 2001 was “Celebrate Your Freedom: Protecting the Best Interests of Our Children.” *Law Day: List of Past Themes, supra* note 24. President Bush’s proclamation, however, says that the theme was “Ensuring the Rights of Victims.” Proclamation No. 7431, 66 Fed. Reg. 22423 (Apr. 30, 2001).

	2005	The American Jury: We the People in Action
	2006	Liberty Under Law: Separate Branches, Balanced Powers
	2007	Liberty Under Law: Empowering Youth, Assuring Democracy
	2008	The Rule of Law: Foundation for Communities of Opportunity and Equity
Barack H. Obama	2009	A Legacy of Liberty: Celebrating Lincoln's Bicentennial
	2010	Law in the 21st Century: Enduring Traditions, Emerging Challenges
	2011	The Legacy of John Adams from Boston to Guantanamo
	2012	No Courts, No Justice, No Freedom
	2013	Realizing the Dream: Equality for All
	2014	American Democracy and the Rule of Law: Why Every Vote Matters
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	2023	Cornerstones of Democracy: Civics, Civility, and Collaboration
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