

Law Day

Something to Celebrate and Teach



W. Anthony Jenkins

May has always been special, not only because it heralds warmer temperatures, but also because it marks a historic American tradition—Law Day. Established by President Dwight Eisenhower in 1958, Law Day is recognized annually on May 1 as Americans celebrate our nation's legal traditions and commitment to the rule of law. The celebration takes place in schools, courthouses, and workplaces in communities across the nation.¹ In fact, in some communities, Law Day becomes Law Week or Law Month.

Lawyers and judges have always played a central role in this observance, whether through opening the courtroom doors for public tours, coaching students in mock-trial competitions, grading Law Day-related essays, writing an editorial for local newspapers, or visiting classrooms to talk about an aspect of the law. By engaging in these kinds of activities, we in the legal profession stay deeply rooted to our mores while at the same time helping to create a more vital and democratic society.

This year's Law Day theme, "The Legacy of John Adams, From Boston to Guantanamo," highlights our country's first lawyer-president and underscores the important role lawyers have played and continue to play in defending the principles of due process and the rights of the accused. John Adams showed us the way in 1770, when he was a young leader in the resistance to British rule. Despite threats to his life and livelihood, he defended the British soldiers accused of killing civilians in the Boston Massacre. His actions were based on his strong conviction of due process and what he called "a government of laws, not of men."

There is a long list of cases that highlight unpopular clients and the courageous de-

fense lawyers who took on the challenges. Examples include:

- William Seward's defense in 1846 of William Freeman, a mentally ill man of African-American and Native-American descent who was accused of breaking into a home and killing its four occupants;
- the 1931 case of the Scottsboro Boys—nine young black men accused of raping two white women on a southern freight train and the untiring efforts of their attorney, Samuel Liebowitz;
- the Oklahoma City bombing case (1999–2004) in which Michael Tigar and Brian Hermanson represented Terry Nichols, the army buddy of Timothy McVeigh, who was earlier tried and convicted for the attack; and, more recently
- Guantanamo Bay, Cuba, where "unlawful enemy combatants" are being imprisoned by the United States. Hundreds of lawyers have worked pro bono for the detainees' legal defense.

There have also been Michigan Legal Milestones highlighting lawyers who have been in the thick of such cases and have represented controversial clients. One such client was Dr. Ossian Sweet, who in 1925 was charged with murder after shooting and kill-

ing a member of a white mob that was attacking his Detroit home in an effort to drive him and his family from the neighborhood. Dr. Sweet was represented by Clarence Darrow, who won an acquittal. This famous case was the subject of the State Bar's first Michigan Legal Milestone 25 years ago.

Other cases come to mind, too. In the early 1950s, McCarthyism was rampant and destroyed the reputations of many innocent American citizens. Two Michigan attorneys, the Hon. Kenneth N. Sanborn and Charles C. Lockwood, intervened in the case of Michigan resident Milo Radulovich in his fight against the United States Air Force. "In 1953, the United States Air Force attempted to strip Lt. Milo Radulovich of his commission for associating with his allegedly subversive father and sister. He was faced with the option of resigning 'in lieu of elimination from the service' or requesting a hearing.... Radulovich chose to fight the charges."² His attorneys took the case pro bono and prevailed. This was another milestone in Michigan's legal history.

We must also remember judges who have taken principled but unpopular stands. For example, Michigan's United States Supreme Court Justice Frank Murphy wrote an impassioned dissent in *Korematsu*, protesting the decision to uphold exclusion orders

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upon people of Japanese descent during World War II.

Lawyers and judges will always be at the forefront when it comes to the rule of law. That is our mantra. We will continue to battle every day to preserve and protect the freedoms all Americans enjoy. No profession has made greater contributions to our system of government and the ideals of liberty and democracy than the lawyers and judges who work to preserve our system of justice. We are extremely proud of that record.

At the State Bar, we take our civic responsibilities seriously because such initiatives will foster a more informed and engaged citizenry. Let us continue to work cooperatively to raise the profile of law-related education in our state. The State Bar's Law-Related Education and Public Outreach Committee (LREPO) has been leading the way through programs like Constitution Day observances

and Michigan Legal Milestones. This year, the LREPO's Law Day subcommittee is venturing in a new, bolder direction to make this unique day on our calendar even more exceptional by seeking broad and diverse participation from each of Michigan's 83 counties; linking students across the state through interactive web-based activities; connecting lawyers and bar associations that already conduct Law Day programs; and expanding on those ideas to build synergies that will be sustained for many years to come. If you or your bar association has an interest in making this connection or if you have suggestions, please drop us a line at lawday@mail.michbar.org.

Two years ago, the State Bar initiated the "A Lawyer Helps" program. We have two goals: to celebrate lawyers who make a difference for people and society, and to provide tools and resources to help them continue to do so. Time and again, lawyers have

proven that they do make a big difference. Help us document all that is good in our profession; visit *A Lawyer Helps* at <http://www.michbar.org/alawyerhelps> and share your input and unique stories. We want to hear from you.

I wish you all a very happy Law Day. Do good, and do our profession proud. ■

I would like to thank Naseem Stecker, SBM manager of media and public relations, for her contributions to this article.

FOOTNOTES

1. Charlie Rhyme, ABA president in 1957-1958, is credited with originating Law Day while serving as legal counsel to President Eisenhower. Rhyme is featured on the March 5, 1958, cover of *Time* magazine. His 2000 Law Day speech is available at <http://www.ABAjournal.com>. All websites cited in this article were accessed April 14, 2011.
2. You can read more about this fascinating case at http://www.michbar.org/programs/milestone/milestones_MiloRadulovich.cfm.



Lawyers make a difference for people and society. They solve problems, provide free legal help to the poor, and give time to many other community efforts.

how lawyers can and do help...

LAWYERS GIVE SERVICES



PRO BONO SERVICES

Lawyers volunteer to provide free legal services to low-income families or nonprofit agencies who serve those in need. It is one way to fulfill the duties in the Voluntary Pro Bono Standard.

LAWYERS GIVE MONEY



ACCESS TO JUSTICE FUND

Lawyers make donations to the Access to Justice Fund to support civil legal aid for the poor. It is one way to meet obligations under the Voluntary Pro Bono Standard.

LAWYERS GIVE TIME



COMMUNITY SERVICE

In addition to giving pro bono legal services to the poor and monetary donations for legal aid, many lawyers also give time to other community efforts.

www.alawyerhelps.org