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2008-04-29 H. Thomas Wells, Jr. ABA Presidential Speech

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Note: ABA National Law Day Chair **William Allen** will introduce President-elect Wells, who will speak before **Roger Gregory** (Judge, Fourth Circuit U.S. Court of Appeals). Following remarks from Mr. Wells, Mr. Allen will return to the lectern to introduce Judge Gregory.

Audience: 100-125 civics/government middle and high school teachers (national distribution) from Close Up Foundation.

Time: Approx. 10 minutes

Thanks, Bill. It's a pleasure to be with you this afternoon.

Thank you all for making the trip to Washington. As teachers, you play a critical role in making sure our young people understand and appreciate our system of law and justice.

DC to CHICAGO - IOWA CLOSE UP
This is something I personally can appreciate, especially in retrospect. As a youngster in Gadsten, Alabama, I

modeled my career plans after my father, who was a respected dentist in the community.

But I then got involved in my local YMCA's Youth and Government Program, whose leaders showed me how lawyers serve the public good. I soon determined that my true calling was in the law.

Take a moment to think about your students today. Among them may be tomorrow's public-interest lawyer who

saves an elderly person's home from foreclosure.

Or tomorrow's corporate lawyer who gives back to the community through pro bono service.

Or tomorrow's bar president who works with schoolteachers to promote equal justice under law . . . and to sow the seeds of our democracy for the next generation.

As we look forward, it's also fascinating and instructive to look back. That's especially true this year, the 50th

anniversary of the first Law Day in 1958. Law Day was envisioned in 1957 by my predecessor, ABA President Charles Rhyne.

A year later, President Dwight Eisenhower established Law Day as a federal commemoration. His official 1958 proclamation stated that Law Day would be, quote, "a day of national dedication to the principles of government under law."

Subsequent presidential proclamations during Law Day's first decade give us a snapshot history of late 20th century

America, especially as they reflect how leaders viewed the rule of law through the prism of the challenges they faced.

The earliest years of Law Day—the late 1950s and early 1960s—were the apex of the Cold War. Many of you know that it's no coincidence Law Day is celebrated on *May 1* each year. One of the primary aims of Law Day, as expressed in President Kennedy's 1963 proclamation, was to, quote, "become the significant answer to Communism's May Day demonstrations." At the time, Americans

were often shown news footage of Soviet May Day parades featuring tanks, missiles, and soldiers marching in lockstep.

In his **first Law Day proclamation of 1958**, President Eisenhower probably had these May Day images in mind. He asserted that, quote, "**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.**"

Though the Cold War provided Law Day's *explicit* inspiration, another evolving phenomenon was just as relevant—the civil rights movement.

The year ABA President Charles Rhyne developed the Law Day concept—1957—was the year that the city of Little Rock, Arkansas, made worldwide headlines during the fight to desegregate its public schools. Ultimately, President Eisenhower federalized the National Guard to restore order in Little Rock and uphold the law of the land—the law

expressed in the Supreme Court's landmark ruling three years earlier in *Brown v. Board of Education*.

It was in this context that President Eisenhower established Law Day to reaffirm our national commitment to the rule of law. He was persuaded by ABA President Rhyne, who happened to be an ardent civil rights advocate.

When President Eisenhower issued the second-annual Law Day proclamation, in 1959, perhaps he was thinking domestically as well as internationally—of

America's *internal* civil rights struggles as well as its battles against *international* communism. The proclamation begins with a plea that, quote, "free people can assure the blessings of liberty for themselves only if they recognize the necessity that the rule of law shall be supreme and that all men shall be equal before the law."

Four years later, in 1963, President Kennedy continued the Law Day tradition of advocating for the rule of law. This time, his audience was an American

public that had just lived through the Cuban missile crisis and the very real possibility of nuclear annihilation.

In that context, here's how President Kennedy's proclamation of 1963 read:

"In a time when all men are properly concerned lest nations, forgetting law, reason, and moral existence, turn to mutual destruction, we have all the more need to work for a day when law may govern nations as it does men within nations . . . when the moral development

of the human race may assure us of a peaceful and law-abiding world."

Fast forward a few years to the middle of President Johnson's term—where we find a different America. It was a time when the nation, and the president, wrestled with civil disobedience, struggles for—*and against*—equal justice, and violent confrontations in the streets.

It was a time when *civil rights at home* and the war in Vietnam abroad were on everyone's minds.

The well-heeled, black-and-white days of the 1950s and early '60s—when "Father Knew Best"—had given way to the days of "questioning authority" and America's expanding social consciousness.

Consider LBJ's Law Day proclamation of 1967, the year of the Summer of Love, in which he spoke directly to Americans in the first person:

"I ask every American to take the law into his *heart*—not into his hands." He added, "I ask not *blind* obedience, but

enlightened obedience. I ask patience, too, for the law, like our times, will and must change. But [and here's the main point] America's fidelity to the law must be eternal."

Next year's proclamation from President Johnson, in 1968, picks up this theme again, but deepens the emphasis on law as a democratic instrument for constructive social change:

"The law we recognize and respect is not the mere exercise of power," the proclamation read. "It is not just a

device to enforce the status quo. Law is a process of continuous growth that allows the creation of new rights for all men through a deliberative, democratic process . . . without recourse to self-defeating violence."

With the benefit of historical perspective, we can see how these proclamations from Law Day's first decade reveal key issues of the day.

They showcase the attitudes and values our presidents expressed toward the rule of law.

And they offer you and your students some wonderful teachable moments.

In 2008, we're celebrating the 50th anniversary of Law Day by focusing on the theme, "The Rule of Law: Foundation for Communities of Opportunity and Equity."

This theme gives us an opportunity to reflect on how the rule of law is an essential element of our national endowment, to consider what has been accomplished during the past 50 years in fulfilling the promise of the democratic

rule of law, and to rededicate ourselves to what remains to be accomplished.

This year, Law Day is being celebrated by bar associations, courts, and schools—by lawyers, judges, teachers, and citizens—all across America. Let me tell you about a few of the many programs that are taking place, especially for young people.

- **The Alabama State Bar is inviting Boy Scouts to submit two-minute YouTube videos on the theme, "The U.S.**

Constitution: Foundation of the Rule of Law." All entrants are receiving specialty merit badges, and two winners will each receive \$250 U.S. savings bonds.

- **The Constitutional Rights Foundation Chicago is conducting a statewide Youth Summit for Law Day 2008. More than 1,200 students are participating. They're convening at the Dirksen Federal Building in Chicago to discuss law-related issues and make policy**

recommendations.

- **The Town of Babylon Youth Court in Albany, New York, is presenting a mock trial written and produced by the staff and youth members. The trial, "Prince Charming v. The Estate of King Harold," is loosely based on the Shrek movies.**

At the ABA, we've developed many resources to help you teach about the rule of law. In your packets, you'll find a copy

of our magazine for teachers, *Insights on Law and Society*.

We've added a new Dialogue to our series of resources for the classroom—it's on the rule of law. Often facilitated by a lawyer or a judge, each dialogue includes a set of suggested instructional activities. In fact, I'll be facilitating a Dialogue tomorrow morning with students at the Duke Ellington School for the Arts, here in Washington.

I am so pleased to be here with you to commemorate Law Day 2008. Thank you for your hard work and commitment to educating America's next generation to be active and informed citizens.