

# Law Day 2019 – Free Speech, Free Press, Free Society



By Nicole J. Poot

Law Day is an annual celebration established by President Dwight D. Eisenhower in 1958, as a day to celebrate the rule of law and its contributions to the freedoms American society enjoys.<sup>1</sup> In 1961, Congress designated May 1 as the official date of celebration and since then the day has been celebrated across the nation. May 1, 2019, will mark the 61st anniversary of Law Day.<sup>2</sup>

Each year, an annual theme is chosen to spotlight a particular aspect of law or the legal process and its impact to American society.<sup>3</sup> The 2019 Law Day theme – Free Speech, Free Press, Free Society – focuses on the cornerstones of our democracy, namely the fundamental freedoms of free speech and free press. These essential liberties are set forth in Amendment 1 of the U.S Constitution, which states the following:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Free speech and free press play a fundamental role in a free society. Free speech is a critical aspect of the rule of law and ensures accountability in the government. Similarly, free press plays a pivotal role in informing the public about public activities and government action. Of course, there are also limits on these freedoms set forth by judicial precedence. Changes in technology have reformed how freedom of expression works.<sup>4</sup> As we move

forward, understanding how freedom of expression operates in the current technological climate is essential. Some scholars even suggest that technology will present some of the most significant questions that courts, legal scholars, and the American public will face in the coming decades.<sup>5</sup>

That being said, it is critical to take the time to consider what the landscape of the law and policy may look like with respect to free speech and free press given current challenges. As indicated by Lee C. Bollinger, President of Columbia University, in his co-authored work “The Free Speech Century,” “the health of the First Amendment will depend on two things: a continued understanding that free speech plays a critical role in democratic society and that the judicial branch does not claim sole responsibility for achieving that vision. The legislative and executive branches can support free speech as well.”<sup>6</sup>

This year’s theme could not be more relevant and timely given the fact that free speech and free press have dominated public discourse and debate recently, as stated by ABA President Bob Carlson.<sup>7</sup> Arguably, the First Amendment is the most significant amendment to the preservation of a democratic government, and the right to free speech and free press is equally important today as it was at the time of the First Amendment’s drafting. But how will these individual liberties fare, and what will their limits be as we move forward in an age of ever changing technology and proclamations of “fake news”? Law Day reminds us of the importance of asking these types of questions, and provides a golden opportunity for the legal community to consider these freedoms by examining

their history and pondering their future boundaries and resilience.<sup>8</sup> In addition, as lawyers who have studied the First Amendment and may work with it in our daily practice, we are in a unique position to help educate our community on these fundamental protections. In fact, some might say that it is our duty.

The St. Petersburg Bar Association will host its Annual Law Day Luncheon on May 3, 2019. I hope you all will be able to join us!

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1. American Bar Association, *Law Day 2019 Planning Guide*, [https://www.americanbar.org/content/dam/aba/administrative/public\\_education/Lawday/2019/planning\\_guide-2019-final.pdf](https://www.americanbar.org/content/dam/aba/administrative/public_education/Lawday/2019/planning_guide-2019-final.pdf)
2. *Id.* at 2. 3 *Id.*
3. *Id.*
4. *Id.* at 1.
5. Becky Beaupre Gillespie, *Examining 100 Years of the Free Speech ‘Experiment’*. (January 7, 2019) <https://www.law.uchicago.edu/news/examining-100-years-free-speech-experiment>
6. *Id.*
7. Elissa Gray. *Law Day 2019: Free speech, free press, and free society*, (April 2019) <http://www.abajournal.com/magazine/article/law-day-2019-speech-press>
8. American Bar Association, *Law Day 2019 Planning Guide*, [https://www.americanbar.org/content/dam/aba/administrative/public\\_education/Lawday/2019/planning\\_guide-2019-final.pdf](https://www.americanbar.org/content/dam/aba/administrative/public_education/Lawday/2019/planning_guide-2019-final.pdf)