

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SCR 66 (Umberg)
Version: April 24, 2025
Hearing Date: May 6, 2025
Fiscal: No
Urgency: No
AWM

SUBJECT

Law Day

DIGEST

This resolution states that the Legislature designates May 1 as Law Day to commemorate the importance that law plays in California and to stand in solidarity with the legal community.

This resolution is sponsored by the author. The Committee has not received timely support for, or opposition to, this resolution.

SUMMARY

Existing law:

- 1) Provides that Congress shall make no law abridging the freedom of speech, the right of the people peaceably to assemble, and to petition the government for the redress of grievances. (U.S. Const., 1st amend.)
- 2) Provides that no person shall be deprived of life, liberty, or property without due process of law. (U.S. Const., 5th & 14th amends.)

This resolution:

- 1) States that:
 - a) Law Day is an annual celebration to commemorate the rule of law and to learn about our legal system.
 - b) Law Day was introduced by President Dwight D. Eisenhower in 1958 as a national dedication to law in government.
 - c) In 1959, Congress dedicated May 1 as Law Day.

- d) Across the country, bar groups, courts, schools, youth groups, and community organizations conduct Law Day programs to highlight the importance of law and its critical role in our society.
 - e) Normally, the President of the United States issues a proclamation on May 1 recognizing the importance of the rule of law.
 - f) The legal profession is under unprecedented attack from the current President with a series of executive orders and actions in an attempt to silence opposition to his administration.
 - g) On February 25, 2025, President Trump directed the United States Attorney General and other agencies to revoke security clearances of Covington & Burling LLP for their assistance of former Special Counsel Jack Smith.
 - h) Between March and April of 2025, President Trump signed executive orders targeting Perkins Coie LLP (Perkins), Paul, Weiss, Rifkind, Wharton & Garrison (Paul Weiss), Jenner & Block LLP (Jenner), Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale), and Susman Godfrey LLP (Susman).
 - i) These executive orders, which revoked their security clearances, denied them access to federal buildings, and terminated government contracts, were issued on the flimsy pretext of the law firms' Diversity, Equity, and Inclusion (DEI) programs and representation of, or provision of assistance to, political enemies of President Trump.
 - j) President Trump has callously and cynically used the powers of the presidency to deter attorneys from representing clients in immigration cases and deny these clients their rightful representation in court.
 - k) President Trump has weaponized federal agencies, including the United States Equal Employment Opportunity Commission (EEOC), to persecute firms with DEI policies, including Morrison Foerster LLP and Cooley LLP (Cooley).
 - l) President Trump is using executive orders to browbeat law firms, including Paul Weiss, into coercive deals.
 - m) President Trump has called for the impeachment of judges who, in upholding the rule of law, have ruled against him and his interests.
 - n) In response to this brazen attack on the legal community, firms are resisting the unlawful executive orders at great risk to their survival.
 - o) Perkins, Jenner, WilmerHale, and Susman have filed lawsuits challenging the executive orders targeting them and other unlawful executive actions.
 - p) California-born law firms, including Munger, Tolles & Olson LLP (Munger), Kecker, Van Nest & Peters LLP (Keker), Gibson, Dunn & Crutcher LLP, and Cooley have filed lawsuits challenging unlawful executive actions.
 - q) Hundreds of law firms, including California-born firms such as Kecker, Fenwick & West LLP, Manatt, Phelps & Phillips, LLP, Munger, and Hanson Bridget LLP have signed amici briefs in support of the suing law firms.
- 2) Resolves the following by the Senate of the State of California, and the Assembly concurring:

- a) That using executive orders to silence opposition and chill legal advocacy is an unlawful attack on the right of Americans to seek counsel.
- b) That using the office of the presidency as a bludgeon against those who would uphold the law and disagree with the President's position is not only an attack on the legal system but an attack on the rule of law.
- c) That the Legislature designates May 1 as Law Day to not only commemorate the importance that law plays in California but to stand in solidarity with the legal community.
- d) That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

COMMENTS

1. Author's comment

According to the author:

SCR 66 seeks to designate May 1st as Law Day. Law Day is an annual celebration to commemorate the rule of law and to learn about our legal system. First introduced by President Dwight D. Eisenhower in 1958 as a national dedication to law in government, Law Day was later dedicated by Congress in 1959. Across the country, bar groups, courts, schools, youth groups, and community organizations conduct Law Day programs to highlight the importance of law and its critical role in our society. Normally, the President of the United States issues a proclamation on May 1st every year recognizing the importance of the rule of law. However, the legal profession is under unprecedented attack from the current President of the United States with a series of executive orders and actions in an attempt to silence opposition to his administration.

On February 25th, 2025, President Trump directed the United States Attorney General and other agencies to revoke security clearances of Covington & Burling LLP for their assistance of former Special Counsel Jack Smith. Between March and April of 2025, President Trump signed executive orders targeting Perkins Coie LLP, Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul Weiss"), targeting Jenner & Block LLP ("Jenner"), Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale"), and Susman Godfrey. These executive orders, which revoked their security clearances, denied them access to federal buildings, and terminated government contracts, were issued on the flimsy pretext of the law firms Diversity, Equity, and Inclusion (DEI) programs and providing representation and/or assistance to political enemies. President Trump has callously and cynically used the powers of the presidency to deter attorneys from representing clients in immigration cases and deny these clients their rightful representation in court. President Trump has weaponized federal agencies such as the U.S. Equal Employment Opportunity Commission (EEOC) to persecute

firms with DEI policies, such as Morrison Foerster, LLP and Cooley, LLP. President Trump is using executive orders to browbeat law firms, such as Paul Weiss, into coercive deals. President Trump has called for the impeachment of judges who, in upholding the rule of law, have ruled against him and his interests.

In response to this brazen attack on the legal community, firms are resisting the unlawful executive orders in court at great risk to their survival. Several firms, including California-born ones, have filed lawsuits challenging the executive orders targeting them and other unlawful executive actions and/or have signed amicus briefs in support of the suing law firms.

Using executive orders to silence opposition and chill legal advocacy is an unlawful attack on the right of Americans to seek counsel. Using the office of the presidency as a bludgeon against those who uphold the law and disagree with the President's position is not only an attack on the legal system but an attack on the rule of law. In light of these attacks, the Legislature should designate May 1st as Law Day.

2. Legal background

This resolution implicates three legal principles: the doctrine of separation of powers; the First Amendment's protection of free speech and association; and the Due Process Clause of the Fifth Amendment.

"Separation of powers" refers to the Constitution's division of power between the three branches of government – the Legislature, the Executive, and the Judiciary – and the system of checks and balances between those branches.¹ The system prevents the "concentrat[ion of] the roles of prosecutor, judge, and jury in the hands of the Executive Branch."² As explained by James Madison, our system of separation of powers with checks and balances between the branches is intended to protect against authoritarianism: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."³

The First Amendment to the United States Constitution protects the rights to speak freely and to associate with persons of one's choosing.⁴ "Above all else, the First Amendment means that government has no power to restrict expression because of its

¹ Chemerinsky, et al., *Constitutional Law: Principles and Policies* (5th ed. 2015) p. 1.

² *Securities and Exchange Commission v. Jarkesy* (2024) 603 U.S. 109, 140.

³ Madison, *The Federalist Papers*, No. 47 (Feb. 1, 1788) available at The Avalon Project, https://avalon.law.yale.edu/18th_century/fed47.asp.

⁴ U.S. Const., 1st amend.

message, its ideas, its subject matter, or its content.”⁵ To that end, “[c]ontent-based regulations are presumptively invalid,”⁶ with narrow exceptions for obscenity, true threats, incitements to imminent lawless action, and defamation.⁷ “[R]egulations that suppress, disadvantage, or impose differential burdens upon speech because of its content” are subject to “the most exacting scrutiny” by the courts.⁸

The Fifth Amendment to the United States Constitution prohibits the government from depriving a person of their life, liberty, or property without due process of law.⁹ The Supreme Court has “described ‘root requirement’ of the Due Process Clause as being ‘that an individual be given an opportunity for a hearing *before* he is deprived of any significant...interest.’”¹⁰ The Due Process Clause and the First Amendment also work together to protect speakers “from arbitrary and discriminatory enforcement of vague standards.”¹¹

3. President Trump’s attacks on the rule of law

Since taking office for the second time, President Trump has issued memoranda or executive orders against six law firms in retribution for their participation in legal proceedings against him:

- On February 25, 2025, President Trump issued a memorandum “to suspend security clearances for Covington & Burling LLP employees involved in the weaponization of government, pending a review of their roles and responsibility in the weaponization of the judicial process.”¹² The memorandum also “initiate[d] a comprehensive review of all Federal contracts with the firm to ensure alignment with the interests of the American people.”¹³ President Trump expressly stated that Covington & Burling’s provision of legal services to former Special Counsel Jack Smith was the basis for the memorandum.¹⁴
- On March 6, 2025, President Trump issued an executive order revoking security clearances for, and requiring government contractors to disclose any business they do with, Perkins Coie LLP, and directing heads of agencies to limit Perkins

⁵ *Police Dept. of Chity of Chicago v. Mosley* (1972) 408 U.S. 92, 95; see also *Texas v. Johnson* (1989) 491 U.S. 397, 414 (“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

⁶ *R.A.V. v. City of St. Paul* (1992) 505 U.S. 377, 382-383.

⁷; *Counterman v. Colorado* (2023) 600 U.S. 66, 73-75.

⁸ *Turner Broadcasting System, Inc. v. F.C.C.* (1994) 512 U.S. 622, 642.

⁹ U.S. Const., 5th amend.

¹⁰ *Cleveland Bd. of Educ. V. Loudermill* (1985) 470 U.S. 532, 542.

¹¹ *National Endowment for the Arts v. Finley* (1998) 524 U.S. 569, 588.

¹² White House, Fact Sheet: President Donald J. Trump Directs Suspension of Security Clearances and Evaluation of Government Contracts for Involvement in Government Weaponization (Feb. 25, 2025), <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-directs-suspension-of-security-clearances-and-evaluation-of-government-contracts-for-involvement-in-government-weaponization/>. All links in this analysis are current as of May 1, 2025.

¹³ *Ibid.*

¹⁴ *Ibid.*

Coie's employees from accessing government buildings.¹⁵ The executive order listed Perkins Coie's representation of Hilary Clinton and its DEI policies as the basis for the order.¹⁶

- On March 14, 2025, President Trump issued an executive order revoking security clearances for, and requiring government contractors to disclose any business they do with, Paul, Weiss, Rifkind, Wharton & Garrison (Paul Weiss), and directing heads of agencies to limit Paul Weiss' employees from accessing government buildings.¹⁷ The executive order listed, as the bases for the order: the fact that a Paul Weiss partner "and leading prosecutor in the office of Special Counsel Robert Muller brought a pro bono suit against individuals alleged to have participated in" the January 6 Capitol Insurgency; the fact that a Paul Weiss attorney had, while at the Manhattan District Attorney's office, allegedly engaged in unethical behavior in a lawsuit against the President; and Paul Weiss' DEI policies.¹⁸
- On March 25, 2025, President Trump issued an executive order revoking security clearances for, and requiring government contractors to disclose any business they do with, Jenner & Block LLP, and directing heads of agencies to limit Jenner Block's employees from accessing government buildings.¹⁹ The executive order listed Jenner Block's "obvious partisan representations" in its pro bono practice and hiring of a member of former Special Counsel Robert Mueller's team as the basis for the order.²⁰
- On March 27, 2025, 2025, President Trump issued an executive order revoking security clearances for, and requiring government contractors to disclose any business they do with, Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale), and directing heads of agencies to limit WilmerHale's employees from accessing government buildings.²¹ The executive order listed WilmerHale's "obvious partisan representations" and hiring of former Special Counsel Robert Mueller and members of his team as the basis for the order.²²
- On April 9, 2025, President Trump issued an executive order revoking security clearances for, and requiring government contractors to disclose any business they do with, Susman Godfrey LLP (WilmerHale), and directing heads of agencies to limit Susman Godfrey's employees from accessing government buildings.²³ The executive order listed vague allegations that Susman Godfrey "spearheads efforts to weaponize the American legal system and degrade the

¹⁵ Exec. Order No. 14230, 90 Fed. Reg. 11781 (Mar. 6, 2025).

¹⁶ *Ibid.*

¹⁷ Exec. Order No. 14237, 90 Fed. Reg. 13039 (Mar. 14, 2025), *superseded by* Exec. Order No. 14244, 90 Fed. Reg. 13685 (Mar. 21, 2025).

¹⁸ Exec. Order No. 14230, *supra*.

¹⁹ Exec. Order No. 14246, 90 Fed. Reg. 13997 (Mar. 25, 2025).

²⁰ *Ibid.*

²¹ Exec. Order No. 14250, 90 Fed. Reg. 14549 (Mar. 27, 2025).

²² *Ibid.*

²³ Exec. Order No. 14263, 90 Fed. Reg. 15615 (Apr. 9, 2025).

quality of elections,” and that it “funds groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology,” as well as Susman Godfrey’s DEI programs, as the basis for the order.²⁴

The EEOC has also issued letters to 20 large law firms – including Perkins Coie and WilmerHale, and California-based firms Cooley LLP, Latham & Watkins LLP, and Morrison & Foerster LLP – requesting information about their DEI practices.²⁵

Four of the firms targeted by executive orders – Perkins Coie, Jenner & Block, WilmerHale, and Susman Godfrey – filed lawsuits (1) alleging that the executive orders were unconstitutional on separation of powers, First Amendment, and Fifth Amendment grounds, and (2) seeking to have the orders enjoined. Federal district courts agreed and entered temporary restraining orders against all four orders in part, excluding the security clearance suspensions.²⁶

Paul Weiss, however, surrendered, promising to eliminate their DEI programs and provide pro bono services to the Trump Administration in exchange for the revocation of the executive order.²⁷ After Paul Weiss capitulated, several other large law firms proactively sought to appease President Trump rather than risk being his next target.²⁸ These firms have pledged to provide \$940 million worth of free legal services to the Trump Administration, which he has announced will be used to defend police officers accused of misconduct.²⁹

President Trump’s attacks on the rule of law are not limited to attacks on attorneys. Since taking office, President Trump has issued myriad executive orders which have

²⁴ *Ibid.*

²⁵ EEOC, Press Release: EEOC Acting Chair Andrea Lucas Sends Letters to 20 Law Firms Requesting Information About DEI-Related Employment Practices (Mar. 17, 2025), <https://www.eeoc.gov/newsroom/eeoc-acting-chair-andrea-lucas-sends-letters-20-law-firms-requesting-information-about-dei>.

²⁶ See *Susman Godfrey LLP v. Executive Office of President* (D.D.C. Apr. 15, 2025) 2025 WL 1113408; *Jenner & Block LLP v. U.S. Dept. of Justice* (D.D.C. Mar. 28, 2025) 2025 WL 946993; *Wilmer Cutler Pickering Hale and Door LLP v. Executive Office of the President* (D.D.C. Mar. 28, 2025) – F.Supp.3d –, 2025 WL 946979; *Perkins Coie LLP v. U.S Dept. of Justice* (D.D.C. Mar. 12, 2025) – F.Supp.3d –, 2025 WL 782889.

²⁷ See Exec. Order No. 14244, 90 Fed. Reg. 13685 (Paul Weiss).

²⁸ E.g., Tucker, *Trump reaches deals with 5 law firms, allowing them to avoid the prospect of punishing executive orders* (Apr. 11, 2025) AP News, <https://apnews.com/article/trump-law-firms-executive-order-fe8f38a61cf77c5bb6add1315f5f96f1>.

²⁹ Scarcella & Merken, *Trump executive order seeks law firms to defend police officers for free* (Apr. 29, 2025) Reuters, <https://www.reuters.com/legal/government/trump-executive-order-seeks-law-firms-defend-police-officers-free-2025-04-29/>; see also White House, Executive Order: Strengthening and Unleashing America’s Law Enforcement to Pursue Criminals and Protect Innocent Citizens (Apr. 28, 2025) (not yet in Fed. Reg.), <https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-and-unleashing-america-law-enforcement-to-pursue-criminals-and-protect-innocent-citizens/>.

since been struck down by the courts on constitutional grounds.³⁰ The courts have also halted, or at least slowed, President Trump's efforts to deport individuals without any due process.³¹ Rather than accept that his powers are limited and that the Constitution requires judicial review as an important check on the Executive Branch's authority, President Trump has called for the impeachment of judges who ruled against him,³² called them communists, and told his supporters that "[j]udges are trying to take away the power given to the president to keep our country safe...[t]hese people are just looking to destroy our country."³³ Members of President Trump's administration have echoed the attacks and calls for impeachment,³⁴ and his supporters have gone as far as to target judges' families online.³⁵

4. This resolution declares May 1 as "Law Day" and states that the Senate and the Assembly stand in solidarity with the legal community against President Trump's attacks

This resolution designates May 1 as Law Day. Law Day was founded by President Eisenhower, who 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."³⁶ As set forth in this resolution, the principles behind Law Day take on special significance this year, when the country's Chief Executive is waging war against the legal profession, the independent judiciary, and the rule of law itself. The resolution condemns the

³⁰ E.g., *RFE/RL, Inc. v. Lake* (D.D.C. Apr. 29, 2025) –F.Supp.3d –, 2025 WL 1232863 (ordering the U.S. Agency for Global Media (USAGM) to disburse \$12,178,590 in Congressionally appropriated funds to Radio Free Europe/Radio Liberty, overriding executive order instructing USAGM to eliminate certain functions); *National Treasury Employees Union v. Trump* (D.D.C. Apr. 28, 2025) –F.Supp.3d –, 2025 WL 1218044 (enjoining executive order that contravened the Federal Service Labor-Management Relations Statute); *League of United Latin American Citizens, supra*, 2025 WL 1187730 (enjoining executive order in part that contravened National Voter Registration Act).

³¹ See, e.g., *A.A.R.P. v. Trump* (2025) 145 S.Ct. 1034.; *Abrego Garcia v. Noem* (4th Cir. Apr. 17, 2025) 2025 WL 1135113.

³² Lowell & Gedeon, *Chief justice rebukes Trump for call to impeach judge hearing deportation case* (Mar. 18, 2025) The Guardian, <https://www.theguardian.com/us-news/2025/mar/18/trump-judge-impeachment-venezuelan-deportations>.

³³ Smith, *Trump warns 'nothing will stop me' at rally to celebrate 100 days in office* (Apr. 30, 2025) The Guardian, <https://www.theguardian.com/us-news/2025/apr/29/trump-100-days-rally-michigan>.

³⁴ E.g., Sneed, *'Breathtaking in its audacity': Trump's conflict with judges has escalated to new heights* (Apr. 17, 2025) CNN, <https://edition.cnn.com/2025/04/17/politics/trump-judges-conflict-boasberg-contempt/index.html>; Robins-Early, *Elon Musk lashes out at US judges as they rule against Doge* (Mar. 22, 2025) The Guardian, <https://www.theguardian.com/technology/2025/mar/22/elon-musk-doge-judges-usaid>.

³⁵ Schwartz & VanSickle, *Judges Fear for Their Safety Amid a Wave of Threats* ((Mar. 19, 2025; updated Mar. 21, 2025) N.Y. Times, available at <https://web.archive.org/web/20250407100206/https://www.nytimes.com/2025/03/19/us/trump-judges-threats.html>).

³⁶ Pres. Proc. No. 3221 (Feb. 7, 1958) 23 Fed. Reg. 821.

President's attacks on the rule of law and states that the Legislature stands in solidarity with the legal community.

SUPPORT

None received

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: SB 699 (Ochoa Bogh, 2025) requires the Joint Rules Committee to develop and conduct a course regarding the United States Constitution and the California Constitution, and for each Member of the Legislature and each employee of the Legislature to take the course within six months of the convening of a regular session. This bill is pending before this Committee and is set to be heard on the same date as this resolution.

Prior legislation: None known.
