

Resolution of the Nassau County Bar Association

Board of Directors

Adopted on April 14, 2026

Whereas ours is government of laws, and not of individuals; and

Whereas the Rule of Law requires equal treatment under the law; and

Whereas the Rule of Law requires the fairness and honesty of those who are admitted to practice as attorneys; and

Whereas attorneys throughout our country, when admitted to the practice of law, take a solemn oath to support the Constitution of the United States, to support the Constitution of the states in which they are admitted to practice, and to faithfully discharge their duties as attorneys and counselors at law to the best of their abilities; and

Whereas attorneys throughout our country, including federal government attorneys, are bound to follow the ethical standards prescribed by the states in which they are admitted to practice; and

Whereas attorneys who fail to observe the ethical standards prescribed by the state in which they are admitted to practice, subject to the requirements of Due Process, can be disciplined by those states, even to the extent of losing their licenses to practice law; and

Whereas the Attorney General of the United States has proposed a rule allowing the United States Department of Justice to intervene in and halt state disciplinary proceedings brought against its attorneys;

Now, therefore be it

Resolved that the Nassau County Bar Association hereby denounces this attempt to shield Justice Department attorneys from discipline by the states in which they are admitted to practice; and joins with other Bar Associations in opposition to implementation of this proposed rule, and shall submit this Resolution for publication in the *New York Law Journal*, and other media as deemed appropriate by the Executive Committee of its Board of Directors.

Statement on the The Rule of Law

John Adams, second United States President, wrote: Ours is a “government of laws, and not of men,” meaning the USA democracy is governed, not by the whims of its leaders, but by the Rule of Law embedded in the Constitution. The Rule of Law **had to** be made paramount and supreme as it requires the belief, trust, and confidence of its citizens that their government and leaders understand, accept, promote and comply with the supremacy of the Rule of Law.

The following statement calls on legal professionals to defend the Rule of Law and Due Process, to act as stewards of the U.S. Constitution against unprecedented, increasing, unverified attacks that threaten democratic institutions, such as the intimidation of judges, lawyers, and journalists. It emphasizes that lawyers must act as defenders of the Constitution—a non-partisan duty to maintain legitimacy, upholding constitutional safeguards, such as those in the Bill of Rights, upholding fair legal processes, and protecting the rights of all individuals, even during times of crisis. It warns that ignoring the Rule of Law and Due Process threatens our entire Democracy by replacing them with the whims of individuals.

You can read the full statement via the Bar Associations listed below.

THE RULE OF LAW

The Rule of Law depends on shared commitments that laws apply equally; that courts remain independent; that lawyers are free to advocate without fear; that warrants are issued by neutral judges; and that extra-ordinary powers remain constrained by constitutional limits. These are not liberal or conservative values. They are constitutional ones. Constitutional safeguards are not obstacles to effective governance; they are the architecture of legitimacy, a core part of a constitutional democracy.

Recently, there has been an unprecedented attack against the Rule of Law. Some who should be the stewards of the Rule of Law, instead attack our institutions and citizens by relying on innuendo or rumor rather than valid evidence. Such attacks denigrate the Rule of Law and cause many citizens to lose faith in our Constitutional system. Unsupported attacks on the credibility of our judges, our voting systems, journalists, attorneys and even our politicians, degrade the confidence of our citizens in the Rule of Law, eroding our Democracy. Disparagement of the Rule of Law threatens our bedrock principles. Disregard of the Rule of Law by those in political power opens the door & puts us on the path to tyranny.

Sound the Alarm

Lawyers are not merely observers of our Constitution and the system of Laws. We are its daily protectors. Consistent with the oath we took upon admission to the Bar, we must “sound the Alarm when the rule of law is under attack.” But in doing so, we must focus on principles not politics.

Concerns have been raised across the country, by judges, scholars, historians, editorial boards, bar leaders and everyday citizens about attacks on core constitutional norms. Threats, vilifications, retaliations, and pressures are directed at journalists, lawyers and judges because of the facts they report, clients they represent and the decisions they render. Avoidance of accountability, abandonment of checks and balances, and the erosion of long-standing fundamental rights and safeguards, such as Freedom of Speech and of the Press, the right of the people to peacefully assemble and petition the Government for a redress of grievances, and protection against unreasonable searches and seizures now seem part of our daily news diet. The time to speak up and speak out is now. Our constitutional guarantees must be restored to full strength and their original purpose.

Due Process

A key corollary of the Rule of Law is Due Process.

Due Process's strength lies precisely in its resistance to exception. It is designed to operate not only in calm moments but in difficult ones, to protect the innocent as well as the guilty. Without the guarantee of Due Process the legitimacy of governmental action is cast in doubt. When procedures are transparent—even in controversial situations—and comply with the Rule of Law they carry greater credibility than when the process or procedure is hidden, rushed, bypassed, with no accountability.

The beauty of a constitutional system is not how it operates when times are easy. It is how faithfully it adheres to its principles when times are hard. It is professionalism and loyalty to our Constitution—not partisanship—that requires us to support judicial independence, to defend access to counsel, to insist that warrants are issued by neutral magistrates, to ensure that detention, when authorized, is subject to oversight and review, and more. Our Constitution is not self-enforcing; it depends upon lawyers and judges who take their oaths seriously, politicians are dedicated to uphold the Constitution, and a population that recognizes the Democracy and Freedom are not spectator sports.

History offers sobering lessons about what can happen when fear, urgency, or a perceived crisis, narrows our commitment to procedural safeguards. In *Korematsu v. United States*, a painful reminder of how easily constitutional protections can yield under pressure, the U.S. Supreme Court upheld the exclusion of all people of Japanese ancestry, INCLUDING U.S. BORN CITIZENS, from the West Coast during World War II and the segregation and internment of them and the seizure of their property. That decision is widely regarded today as one of the Court's gravest errors and a lasting stain on our national conscience. At the time, it was defended as necessary even though there was no indication of any support for Japan among those interned. In 2018, Supreme Court Justice John Roberts wrote: "*Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and—to be clear—'has no place in law under the Constitution.'"

Korematsu also teaches us that our government may justify Constitutional violations as temporary, pragmatic, or compelled by circumstance. But we know, through the prism of history, that our Constitutional guarantees cannot be cast aside without discredit to our country's standing as a bastion of freedom and liberty. The Constitution's guarantees are

most meaningful when they protect those with whom we disagree—the weak, the minority, the accused. That is not a weakness; it is its strength.

This is not a debate on outcomes, but as lawyers and stewards of our Constitution we must ensure that whatever policies are pursued they are implemented within the bounds of the Constitution and the guarantees it provides. Silence, in moments that test the Rule of Law, carries consequences and implies consent to the conduct occurring. Fidelity to Due Process is the clearest way we can honor our oath to uphold the Rule of Law.

May we continue to defend the process, calmly, professionally, and without fear—knowing that in doing so we defend the very system that allows our disagreements to remain peaceful and principled.

Issued and supported by the following Bar Associations:

Nassau County Bar Association

Amistad Long Island Black Bar Association

Long Island Hispanic Bar Association

Theodore Roosevelt American Inn of Court

Westchester County Bar Association