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Signing Principle Into Practice

Five Lessons from the Declaration at 250



By Hon. Jennifer Walker Elrod and Sushant Mohan

Though signed 250 years ago, the Declaration of Independence remains far more than a historical artifact. It is a legal document, a moral statement, and a professional model for governance of, and by, a free society. The Declaration's authors were not merely revolutionaries; they were advocates, draftsmen, and counselors working under extraordinary pressure to frame their case to each other and the world. They did not simply declare independence. They explained it, justified it, and—most importantly—signed it.

That act of signing, at once legal and personal, transformed an idea into commitment. As Benjamin Franklin reportedly warned those assembled in Independence Hall, “We must all hang together, or assuredly we shall all hang separately.” The Declaration thus rep-

resents not only an argument for liberty, but an example of professional responsibility and commitment carried to its highest stakes.

For lawyers today, the document still speaks—not as a relic, but as a guide. It offers enduring lessons about the practice of law, the demands of professionalism, and the role of legal reasoning and law in shaping a just society.

1. Law Begins with Reasoned Argument

The Declaration opens not with defiance, but with discipline: “**When in the course of human events, it becomes necessary...**”

That phrase signals all that follows. The authors do not begin by asserting outrage or demanding sympathy from the world. Instead, they adopt the posture of reasoned advocates, explaining that necessity—not impulse—drives their actions. The structure

that follows is unmistakably legal.

First come governing principles: natural rights, equality, and government by consent. Then follows an extensive statement of facts—a detailed enumeration of grievances demonstrating a “long train of abuses.” Only after establishing both rule and record does the conclusion appear: that independence is justified.

This is the method lawyers are trained to employ. It is not enough to reach the right conclusion; instead, one must show *why* it is right.

John Adams captured this expectation during the debates, insisting that the case for independence must be proven “from history, by law.” The Declaration does precisely that. It situates the American cause within centuries of legal development—from Magna Carta to Enlightenment thought—demonstrating continuity rather than disruption.

Abraham Lincoln later recognized the enduring power of this approach, describing the Declaration's principles as an "electric cord" binding generations together. That cord is not merely emotional; it is intellectual. It rests on reasoning that remains accessible across time.

For lawyers today, the lesson is both simple and demanding. Arguments grounded in principle and precedent—clearly articulated and carefully applied—carry a legitimacy that transcends the moment and emotions. In a profession increasingly pressed for speed, the Declaration reminds us that durability depends on disciplined reasoning articulated for readers and decisionmakers. The most persuasive advocacy is not merely forceful; it is reasoned and clear.

2. Professionalism Requires Engaging with Opposing Views

That the colonies might become **"Free and Independent States"** was not a foregone conclusion. Instead, far from inevitable, it was fiercely debated.

Even in July 1776, a number of delegates questioned the wisdom of immediate separation from Britain. They warned of instability, economic dislocation, and the risk of foreign entanglement. These arguments were not trivial. They reflected serious legal and political concerns about sovereignty, order, and the dangers of revolution.

What is striking is not that these views existed, but that they were taken seriously.

The advocates for independence did not dismiss their opponents as misguided or irrationally loyal to the crown. Instead, they respectfully listened and responded point by point, engaging questions of law, history, and prudence. The final decision was thus not a rushed act of rebellion but the product of sustained deliberation.

This dynamic mirrors one of the defining features of the American legal system. Lawyers operate in a system built on adversarial testing. Arguments gain strength not by avoiding opposition, but by confronting it. Indeed, John Adams's defense of the British soldiers who fired on colonists during the Boston Massacre provides a particularly powerful example. Representing unpopular clients, Adams held firm to his duty: "I devoted myself to endless labor and Anxiety if not to infamy and death, and that for nothing, except, what indeed was and ought to be in all, a sense of duty." Adams' defense of the British soldiers was deeply unpopular but profession-

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ally essential.

The lesson endures. Lawyers today are often called upon to represent difficult positions—whether defending individual rights or people accused of heinous crimes, challenging governmental authority, or advocating for causes that attract criticism. The integrity of the legal system depends on the willingness of advocates to engage with these matters fully and fairly.

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3. The Rule of Law Demands Courage

Among the most famous lines of the Declaration may be its closing pledge: **"We mutually pledge to each other our Lives, our Fortunes and our sacred Honor."**

This was not ornamental language but a recognition of consequence. By signing the document, the founders exposed themselves to the legal charge of treason—a crime that, under British law, carried the penalty of death. They understood the risk clearly. Their signatures were not symbolic; they were binding commitments to the Declaration, to an ideal, and to each other. This distinguishes the Declaration from mere rhetoric. It was a legal act backed by personal accountability.

For lawyers, this level of commitment highlights a dimension of the profession often understated: courage. Not the dramatic courage of revolution, but the persistent willingness to uphold legal principles in the face of personal and professional risk.

Throughout American history, this form of courage has appeared in different contexts. Abraham Lincoln, reflecting on the Declaration four score and seven years after its signing, declared that he would rather face death than abandon its principle of equality. Fred-

erick Douglass, confronting a nation that tolerated slavery, refused to reject the document, insisting instead that its principles must be honored. Martin Luther King Jr., standing amid fierce opposition, invoked the same ideals to demand civil rights for all. These men faced ruin and death in their steadfast defense of the Declaration's vision, which continues to evolve to this day.

Each instance reflects a common truth: The rule of law is not self-executing. It depends on individuals willing to defend it.

For modern lawyers, the stakes may differ, but the obligation remains. There will always be moments—small or significant—when adherence to principle is tested. The Declaration reminds us that the profession demands more than technical skill. It requires the resolve to stand behind the law when it matters most.

4. Compromise May Be Necessary—but May Only Delay the Inevitable

The Declaration represents a triumph of principle. It also reveals the reality of compromise. Though the Declaration boldly declared that **"all men are created equal,"** its principles remained unfulfilled in its time but served instead as a promise for the future.

In his original draft, Thomas Jefferson charged the British crown with perpetuating the transatlantic slave trade, describing it as a violation of "the most sacred rights of life and liberty." That language was excised in the final version of the Declaration to secure agreement among the colonies. The decision was strategic. Unity was essential. Without it, independence itself might have failed. Yet the cost of that compromise was profound.

Jefferson, a slaveholder, later acknowledged regret over the omission. Others at the time recognized the danger more immediately. George Mason, one of the most outspoken critics of slavery at the time—and yet a slaveholder himself—warned slavery would bring "the judgment of heaven on a country," predicting consequences that would unfold decades later.



Those consequences came in full measure. The contradiction between the Declaration's principle of equality and the reality of slavery, mirrored by the rhetoric and actions of Jefferson and Mason, became the defining legal and constitutional crisis of the 19th century, culminating in civil war.

For lawyers, the lesson is both practical and cautionary. Compromise is inherent in law. It is the mechanism through which disputes are resolved, legislation enacted, and institutions preserved. But compromise is not without moral weight. Some compromises defer resolution; others embed injustice in ways that later generations must confront. The role of the lawyer is not only to achieve agreement but to understand its implications.

Frederick Douglass offers perhaps the most instructive perspective. On the 76th anniversary of the signing, he asked "[w]hat to the Slave is the Fourth of July?"—a personally profound question, as Douglass himself was enslaved for his early life. While condemning slavery in the strongest terms, he refused to discard the Declaration itself, calling it a "glorious liberty document." In his view, the document's principles, if honored, would ultimately secure justice.

The lesson is clear. The law may reflect imperfect compromises, but it must remain accountable to the principles it professes.

5. The Law Is Not Only What Is—but What It Aspires to Be

The most enduring words of the Declaration are also its most demanding: **"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."**

These words do more than define rights; they define purpose. They describe not only

what government must avoid infringing, but what it exists to secure. At the moment they were written, these promises were not fully realized. They did not encompass all persons within the new nation. Yet their power lies precisely in their breadth. They articulated a principle that could not easily be confined and that would demand fulfillment across generations.

Over time, that principle has been invoked by those seeking to expand the promise of equality.

Abigail Adams was among the first to recognize the limitations of the founding moment. Writing to her husband, she urged the new nation to "[r]emember the Ladies," warning that women would not remain bound by laws in which they had no representation. Her words anticipated a struggle that would take generations to resolve.

A century later, Susan B. Anthony and other advocates echoed that call, insisting that the Declaration's principles applied equally to women. They sought not a new foundation, but inclusion within the existing one, arguing that the Revolution otherwise would remain incomplete.

Frederick Douglass and Abraham Lincoln, too, demanded that the country live up to the equality that the Declaration promised and that the country had denied.

Almost 200 years later, Martin Luther King Jr. gave this vision its most vivid expression. Describing the Declaration as a "promissory note," he called upon the nation to fulfill its original commitment. His appeal was not that the nation abandon the founding principles but that it realize them more fully—extending their promise to all.

For lawyers, this represents perhaps the deepest lesson of the Declaration: Law is not static. It is not confined to existing rules or settled outcomes. It is shaped by principles that demand interpretation, application,

and, at times, correction.

To practice law is therefore to participate in a continuing project. It is to work within a framework that aspires toward justice, even when that aspiration is imperfectly realized.

Conclusion: An Enduring Professional Charge

The Declaration of Independence is not a perfect document. It never was. It reflects both profound insight and human limitation, moral clarity, and necessary compromise. But it endures because it does something more important than resolving a moment in history: it establishes a standard.

It teaches lawyers reasoning: to build arguments that rest on principle and proof. It teaches professionalism: to engage opposing views with rigor and honesty. It teaches courage—to stand behind the law when the cost is real. It teaches humility—to recognize that compromise carries consequences. It teaches aspiration—that the law is not merely a system of rules but an ongoing effort to secure the promises of *life, liberty, and the pursuit of happiness* for all.

Above all, it teaches responsibility. The founders did not merely write a document. They accepted its consequences. They bound themselves to its meaning. And they bound us, lawyers and citizens, to its legacy.

The world would be forever changed because they signed. 🇺🇸



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