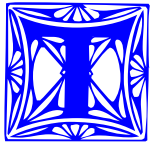


# Why We Read the Declaration



**Chuck Lanehart**





en years have passed, and the annual Texas Criminal Defense Lawyers Association Declaration readings are now a valued tradition throughout the Lone Star State. Perhaps it is time for reflection on how this began, why we do what we do on or before Independence Day each year, what it means and what it does not mean.

The first reading was in Houston on Thursday, July 1, 2010. The Harris County Criminal Lawyers Association was involved in an ongoing struggle with abusive judges. The struggle led to the filing of judicial misconduct complaints against some of the judges.

As an act of protest against tyrannical judges, Robert Fickman organized a reading of the Declaration of Independence at the Harris County Courthouse. Seeking no permission, 15 criminal defense lawyers gathered in front of the courthouse. As an act of protest and disrespect, they turned their backs to the building and read the great document with firm resolve.

They felt electrified and empowered by the reading, and similar readings slowly gained traction across the state. In 2016, readings were organized in all 254 Texas counties in honor of the 240th birthday of the great document. Last year, the readings were highlighted by a poignant reading held at the children's immigration tent city at Tornillo.

That's how the Houston readings started, but why do the rest of us continue the Houston tradition, and where do we go from here? The historical context of the Declaration leads us in the right direction.

The Declaration of Independence has been called one of the greatest documents ever written, but it is certainly imperfect.

One paragraph is particularly unfair and offensive to Native Americans. "He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions." Native Americans were totally subjugated to U.S. power about a century later.

The drafters of the Declaration envisioned a new order among the 13 colonies, but they did not include women in their vision. In Colonial America, women were pushed to the sidelines as dependents of men. Married women were under

control of their husbands. Following the Revolutionary War, under the laws of the new United States, women were denied property rights, lacked the ability to vote, and could not make or enter into a legal contract. More than a century passed before women were granted the right to vote, and the struggle began for truly equal gender rights.

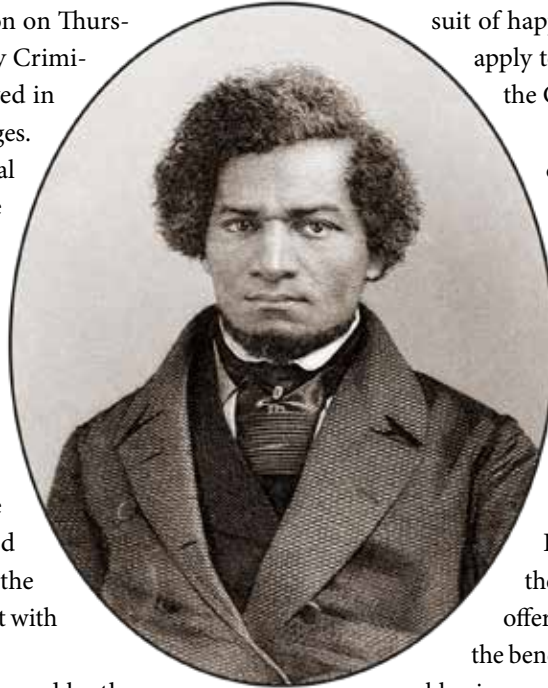
The Declaration promised life, liberty, and the pursuit of happiness to all, yet that promise did not apply to the thousands held in slavery across the Colonies.

Frederick Douglass eloquently addressed this dichotomy in his famous speech of July 5, 1852 (refusing to speak on July 4), dedicating the new Corinthian Hall in Rochester, NY:

What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? And am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

I say it with a sad sense of the disparity between us. I am not included within the pale of glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought light and healing to you, has brought stripes and death to me. This Fourth July is yours, not mine. You may rejoice, I must mourn.

What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are, to Him, mere bombast, fraud, deception, impiety, and hypocrisy—a thin veil to cover up crimes





Harris County Criminal Lawyers Association members read the Declaration of Independence July 1, 2010, the first such reading by the criminal defense bar. Pictured (from left) are Vivian King, Monique Sparks, Todd Dupont, Stan Schneider, Nicole DeBorde, Troy McKinney, Robb Fickman, Mark Bennett, Steve Lieberman, Earl Musick, Steve Halpert, and Danny Easterling. Other readers not pictured were Sarah Wood, Paul Kennedy, and David Mitchum.

which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour.

This year, TCDLA Declaration reading founder Robert Fickman also reflected on the Declaration's shortcomings in his introductory remarks to the Houston reading:

In 1963, Dr. Martin Luther King observed, when the architects of our Republic wrote the Declaration, they were signing a promissory note to which all Americans were to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness. Dr. King eloquently observed "It is obvious today that America has defaulted on this promissory note."

Now, in 2019, insofar as minorities and the poor are concerned, America continues to be in default. On a daily basis, in these courts, minorities and the poor continue to find their liberty stolen.

As defense lawyers, it is our duty to fight those who would deny others their liberty. So, we read the Declaration as a reminder that as a nation, our work is unfinished.

Let us work together toward that day when the promises of the Declaration are a reality and not a dream. Let us work toward that day, when all Americans have the Declaration's guaranteed unalienable rights to life, liberty and the pursuit of happiness.

When reading the Declaration and celebrating our independence from Britain, we should keep in mind Frederick Douglass'

hard truths and Dr. Martin Luther King's admonitions. We must not forget our founding forefathers' shortsightedness and the shortcomings of the Declaration. Instead, these issues should be confronted head-on and directly.

In future readings, we will encourage organizers to stress that the Declaration freed not one slave, offered not one woman the right to vote, and recognized the human rights of not one Native American. Yet the Declaration spawned the US Constitution, the Bill of Rights and the American rule of law that eventually began to address these shortcomings.

Freedom, self-reliance, patriotism and protest are concepts all Americans embrace. The Declaration embodies and represents these concepts. Criminal defense lawyers everywhere understand how these themes evolved from the Declaration to the Constitution to the Bill of Rights and beyond.

In our daily work, we often speak of these themes, in jury selection, final summation and in other legal settings. We hope our listeners will understand and accept our reverence for such concepts and apply them accordingly in making decisions. But we all know it is not so. Judges, juries and prosecutors often carelessly and casually cast aside the rule of law in making decisions, as do politicians and lawmakers, and we are the ones who must attempt to pick up the pieces on behalf of our clients.

Organizers of future Declaration readings should reach out to those slighted by the Founders—African-Americans, women, Native Americans—and invite them to participate. Organizers should also explain to their audiences the reasons the Declaration is not a perfect document and how we should all strive to overcome those imperfections.

So, why do we read? Because John Adams told us to kick up our heels on July the 4th! Our readings are a part of an American

tradition Adams foresaw in 1776:

I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance by solemn acts of devotion to God Almighty; it ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires and illuminations from one end of this continent to the other, from this time forward forever more.

Why do we read? It is to call public awareness to the meaning of Independence Day, to celebrate its historical significance, to celebrate the principles we as criminal defense lawyers use every day in courthouses across the land, and to call attention to the value of public protest then and public protest now. It is to encourage our listeners to employ our heritage and the rule of law in their lives.

Why do we read? The readings are probably the best public relations tool for our great organization and its many affiliates and individual members. By reading the Declaration, we are educating the public that we, the criminal defense bar, are our Founders' heirs. We alone fight to secure the liberty referenced in the Declaration. We are the living part of the continuum. We are the point of the spear, fighting daily to maintain the individual rights our Founders fought for.

*And, we read because it is such great fun!* It is an opportunity for us to feel good about ourselves and what we do for living,

to show off in front of our families and our local folks, to get our picture in the paper.

With firm resolve, we will do it again next year.



*Chuck Lanehart is a shareholder in the Lubbock firm of Chappell, Lanehart & Stangl, PC, where he has practiced law since 1977. He is a 1977 graduate of Texas Tech University School of Law. He is board certified in the field of criminal law by the Texas Board of Legal Specialization. Chuck, a former director of the Texas Criminal Defense Lawyers Association, is co-organizer of the annual TCDLA Declaration of Independence statewide readings and serves on TCDLA's Ethics Committee and Strike Force. TCDLA awarded him the President's Commendation for "Outstanding Service to the Citizen Accused" and also honored him with the President's Award for his service to the TCDLA's Strike Force. He is a charter member and former president of the Lubbock Criminal Defense Lawyers Association. Chuck served as director of the State Bar of Texas, District 16, and as president of the Lubbock Area Bar Association. In 2018, the Lubbock Area Bar Association presented Chuck the Distinguished Lawyer Award, the Bar's highest honor. In 2008, Chuck was named among the "200 Most Influential People in the History of Lubbock" by the Lubbock Avalanche-Journal.*

**Note: The online version of the *Voice* contains pictures and stories of the readings, compiled by Chuck Lanehart. Go to [voiceforthedefenseonline.com](http://voiceforthedefenseonline.com) to read.**



## TCDLA Call for Authors: We Need Your Articles!

Board members: Have you done your duty? You know you're *supposed* to be writing two articles (but who's counting?). Your experiences in criminal law can contribute to the continuing education of our membership and yield CLE hours for you. Please submit your ideas and stories for the *Voice for the Defense*. If you would like to submit an article or letter to the editor, please send it to Sarah Roland ([sarah@sarahroland.com](mailto:sarah@sarahroland.com)) or Craig Hattersley ([chattersley@tccla.com](mailto:chattersley@tccla.com)). All articles are reviewed and approved by Editor Sarah Roland. Questions? Call 512-646-2733. Author guidelines can be found on [voiceforthedefenseonline.com](http://voiceforthedefenseonline.com).



## Friends,

**Chuck Lanehart and I thank everyone who participated in this year's Declaration readings. We thank the TCDLA staff—Melissa Schank, Chelsea Jones, and Craig Hattersley—for their unwavering support. We are very grateful to each local organizer, listed below, for bringing the words of the Declaration of Independence to life in your community.**

**—Robert Fickman**

**Co-organizer, statewide readings**



Nathan Lindstrom

1. Abilene—Jenny Henley
2. Amarillo—Joe Marr Wilson
3. Anderson—Brent Cahill
4. Angleton—Charles Pelowski
5. Anson—Stan Brown
6. Archer City—Dustin Nimz
7. Athens—Danna Mayhall
8. Austin—Bradley Hargis
9. Baird—Stan Brown
10. Bandera—Donald Fidler
11. Bastrop—Eric Torberson
12. Beaumont—Dustin Galmor
13. Beeville—Jessica Canter & Michelle Ochoa
14. Bellville—John Harle
15. Belton—James Stapler
16. Benjamin—Dustin Nimz
17. Big Lake—Stephen Dodd
18. Boerne—Charles Wetherbee
19. Brenham—Robbie Charette & Conrad Day (each led a reading)
20. Brownfield—Rocky Ramirez
21. Brownsville—Elizabeth Garza
22. Brownwood—Todd Steele
23. Bryan—Shane Phelps
24. Burnet—Michelle Moore
25. Cameron—Matthew Wright
26. Canyon—Vaavia Edwards
27. Center—Deck Jones
28. Centerville—Leslie Wallrath
29. Channing—Rick Russwurm
30. Clarksville—Mark Leshar & Laura McCoy
31. Coldspring—Bob Mabry
32. Comanche—Judson Woodley
33. Conroe—Amanda Webb
34. Corpus Christi—Lisa Greenberg
35. Corsicana—Shana Stein Faulhaber
36. Crowell—Dustin Nimz
37. Cuero—Joseph Sheppard
38. Daingerfield—Mac Cobb & Brenton McQueen
39. Dalhart—Rick Russwurm
40. Dallas—Janie Martin
41. Decatur—Brian Alexander
42. Denton—Rudy Vrba
43. Dimmitt—Dwight McDonald
44. Dumas—Rick Russwurm
45. Eagle Pass—Alberto Ramon
46. Edinburg—Lennard Whittaker
47. Edna—Patti Hutson
48. Eldorado—Patricia Stone
49. El Paso—Jim Darnell & Jeep Darnell
50. Fairfield—Christopher Martin & Michelle Latray
51. Fort Davis—Melissa Hannah
52. Fort Stockton—Kevin Acker
53. Fort Worth—George Huston
54. Fredericksburg—Tamara Keener
55. Gail—Laurie Key
56. Galveston—Ronald Rodgers
57. Gatesville—Allen Place & Francesca Scanio Stacy
58. George West—Jessica Canter & Michelle Ochoa
59. Georgetown—Robert Maier
60. Giddings—Wesley Keng
61. Goldthwaite—Keith Woodley & Judson Woodley
62. Goliad—Jessica Canter & Michelle Ochoa
63. Granbury—William Walsh
64. Greenville—Katherine Ferguson
65. Groesbeck—Michelle Latray
66. Hallettsville—Jessica Canter & Michelle Ochoa
67. Hemphill—Julie Conn
68. Henderson—Allison Biggs
69. Henrietta—Katie Woods
70. Houston—Neal Davis & Robert Fickman
71. Huntsville—Wyvonne Hill & J. Paxton Adams
72. Irving—Dennis Croman
73. Jefferson—Mac Cobb & Brenton McQueen
74. Jourdan—Megan Harkins
75. Kaufman—Andrew Jordan & Raymond Shackelford
76. Kermit—Alvaro Martinez
77. Kerrville—Clay Steadman
78. Lamesa—Laurie Key
79. Lampasas—Paul Harrell & Zachary Morris
80. Laredo—Roberto Balli
81. Levelland—Rocky Ramirez
82. Linden—Mac Cobb & Brenton McQueen
83. Littlefield—Rocky Ramirez
84. Livingston—Dana Williams
85. Llano—Tim Cowart
86. Lockhart—David Schulman
87. Longview—Ebb Mobley
88. Lubbock—Russell Gunter & Chuck Lanehart
89. Lufkin—Albert Charanza
90. Marfa—Dick DeGuerin
91. Marlin—Matthew Wright
92. Marshall—Kyle Dansby
93. Mason—Tamara Keener
94. McAllen—Joseph Connors & Lennard Whittaker
95. McKinney—Justin Wilson
96. Mentone—Kevin Acker
97. Meridian—Matthew Wright
98. Mertzon—Patricia Stone
99. Midland—Aaron Eckman & Wayne Frost
100. Monahans—Kevin Acker

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| 101. Mount Pleasant—Mark Leshner & Laura McCoy | 119. Richmond—William Carver                  | 137. Tyler—Brian Rollings, Mishae Boren & Bobby Mims         |
| 102. Mount Vernon—Mark Leshner & Laura McCoy   | 120. Rio Grande City—Jose Garza               | 138. Uvalde—Emmett Harris                                    |
| 103. Nacogdoches—Tim James & Sean Hightower    | 121. Robert Lee—Jessica Skinner               | 139. Van Horn—Jim Darnell & Jeep Darnell                     |
| 104. New Boston—Mark Leshner & Laura McCoy     | 122. Rockport—James Teague                    | 140. Vernon—Dustin Nimz                                      |
| 105. New Braunfels—Tommy Vaughn                | 123. Rockwall—Justin Hall                     | 141. Victoria—Merri Nichols                                  |
| 106. Odessa—Lane Haygood                       | 124. San Angelo—Tip Hargrove                  | 142. Waco—David Bass   |
| 107. Paducah—Dustin Nimz                       | 125. San Antonio—Adam Kobs & Warren Wolf      | 143. Waxahachie—Theresa Peel, Chad Hughes & Jullisa Martinez |
| 108. Paint Rock—Tip Hargrove                   | 126. San Augustine—Tim James & Sean Hightower | 144. Weatherford—G. Thomas Vick & Daniel Carney              |
| 109. Palo Pinto—Andrew Herreth                 | 127. Sanderson—Jim Darnell & Jeep Darnell     | 145. Wharton—Mark Racer                                      |
| 110. Pampa—Steve Hall                          | 128. San Marcos—Charmaine Wilde               | 146. Wichita Falls—Dustin Nimz                               |
| 111. Paris—Jerry Coyle                         | 129. Seguin—George Taylor                     | 147. Zapata—Sheldon Weisfeld                                 |
| 112. Pearsall—Grady Roberts                    | 130. Seminole—Paul Mansur                     |  |
| 113. Pecos—Kevin Acker                         | 131. Seymore—Dustin Nimz                      |  |
| 114. Pittsburg—Mark Leshner & Laura McCoy      | 132. Sierra Blanca—Jim Darnell & Jeep Darnell |  |
| 115. Plainview—Troy Bollinger                  | 133. Stratford—Rick Russwurm                  |  |
| 116. Quitman—Donna Broom                       | 134. Sulphur Springs—Brenton McQueen          |  |
| 117. Rankin—Stephen Dodd                       | 135. Tahoka—Douglas Freitag                   |  |
| 118. Refugio—Jessica Canter & Michelle Ochoa   | 136. Tilden—Jessica Canter & Michelle Ochoa   |  |

**Out-of-State Readings:**

1. Alto, NM—Robert Markowitz
2. Asheville, NC—Bobby Mims
3. Denver, CO—Patrick Barkman
4. Edmond, OK—Lorna McMillion
5. Eureka, KS—Helen Liggett
6. San Diego, CA—Knut Johnson



**Welcome to New Members of TCDLA  
(5/16/2019–7/15/2019)**

**Regular Members**

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 Christopher Arce, San Antonio  
 Martin Arguello II, Houston  
 Parsa Baghalian, Houston  
 Christopher Andrew Bailey, Beaumont  
 Daniel Boyd, Kirbyville  
 Benjamin Duane Brushe, Sugar Land  
 John Clayton Caldwell, Pearland  
 Blake Autry Campbell, Gainesville  
 Adres Campion, San Antonio  
 Zakiya O. Carter, Houston  
 David Casso, Edinburg  
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 J. Dean Craig, Kingsville  
 Lauren Flathouse, Fulshear  
 Thomas Franklin, Jourdanton  
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 Amber C. Macias, San Antonio  
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