

The Legal Intelligencer Blog

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U.S., U.K. Lawyers Spar Over American Revolution at Inn of Court

By Brooke McDonald

For the Legal

After Tuesday night's light-hearted debate between Temple American Inn of Court and Gray's Inn, London, it is clear that time heals all wounds. The mother country may have fought America's July 4 proclamation, but 235 years later, nobody's fighting anymore.

The purpose of the event was to debate the following proposition: "This house believes the Declaration of Independence was an illegal document."

Anthony B. Haller of Blank Rome envisioned, planned and chaired the event, which took place at the American Philosophical Society's Benjamin Franklin Hall. The event celebrated the 20th anniversary of the Temple American Inn of Court's founding.

The debaters balanced careful historic research on the American Revolution with witty insults in what made for an academically stimulating and surprisingly irreverent evening.

The British team - Judge Michael J. Beloff, Sally Jane O'Neill and Sir Charles Haddon-Cave - called the Declaration a "dubious document," and "primitive tax evasion scheme." Beloff, in a joke-ridden opening speech, mocked the colonists' familiar protest against taxation without representation, saying these taxes worked to the colonists' advantage and protected them from becoming "French cheese-eating monkeys" during the French and Indian War.

In return, the American team, which consisted of Judge Louis H. Pollak, Dean David F. Levi and Kathleen M. Sullivan, reminded the Brits that the U.S. had the home court advantage.

Levi and Sullivan pointed to common law tradition, the British Constitution, the Magna Carta and the English Bill of Rights as the basis for the Declaration. Pollak argued that because King George III violated the fundamental principles of England's own legal tradition and ignored colonists' petitions for change, Americans were completely legal in declaring their independence.

Levi also mentioned the writings of John Locke gave the basis for people's right to form a new government whenever legislatures try to assume absolute power. "The power to tax was the power to destroy," Levi said.

The British team painted a picture of the colonists as loyal subjects of the king who "would all toast the King before dinner," O'Neill noted, and who suddenly turned rebellious, openly acknowledged the treasonous nature of their actions. O'Neill shot down the claim that there was "necessity" to break from England, rejecting the belief that the Americans had enough urgent issues to justify breaking English law. "The Declaration of Independence was an act of political and economic expediency," she said, not necessity. "It wasn't legal then and it wouldn't be legal now."

Before voting, Haddon-Cave made a generous offer: if the British won the debate and America returned to the mother land, they would lend America Prince William and Kate Middleton and rename them the Duke and Duchess of Cambridge, Mass.

Of course, nobody took the bait. America won 198-84 (surprise!) and then everyone enjoyed refreshments under the watchful portraits of the founding fathers.

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