

Z No. 74-1776

In the
Continental Congress of the United States

PATRIOTS,

Petitioners,

v.

LOYALISTS,

Respondents.

BRIEF FOR PETITIONERS

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QUESTIONS PRESENTED

Should the United Colonies declare independence from Great Britain?

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SUMMARY OF ARGUMENT

Revolution against the British government is justified because the Crown and Parliament exercised tyrannical power in violation of the colonists' natural rights, thereby forfeiting their legitimacy. All people inherently possess natural rights to life, liberty, and property, which preexist government. Civil government is instituted solely to secure these rights, and its authority derives from that purpose. When a government exceeds its lawful bounds or fails to protect natural rights, the people retain a corresponding right to resist and overthrow it.

British rule over the colonies constituted tyranny. Parliament imposed taxes without representation, exploiting the colonies' economic dependence through the Stamp Act, Townshend Acts, and Tea Act, thereby taking property without consent. Parliament further exceeded its authority by interfering with colonial commerce for imperial benefit, granting monopolistic privileges that harmed colonial interests. The British government also relied on military force to enforce unlawful measures, maintaining a standing army without colonial consent, compelling quartering of troops, and punishing entire communities through the Intolerable Acts. These actions subordinated civil authority to military power and violated personal liberty and property.

Additionally, Parliament denied fundamental legal protections by abolishing trial by jury. They transported colonists for trial abroad, rendering judges dependent on the Crown, eliminating safeguards against arbitrary punishment, and

violating the colonists' rights as Englishmen. The Crown further violated the right to petition by criminalizing the Olive Branch Petition. Finally, reconciliation failed and war already existed in fact and law, terminating any allegiance owed by the colonies. With all lawful remedies exhausted, independence is a necessity to secure natural rights.

ARGUMENT

I. The people have a right to overthrow a tyrannical government.

Natural rights exist and are inherent to all people. Government is established to protect these rights, including life, liberty, and property. When a government violates or fails to protect these rights, the people acquire a corresponding right to resist and overthrow that government. This principle justifies revolutionary action when rulers act tyrannically and challenges the legitimacy of the British government's authority over the colonies.

A. The people possess natural rights.

All people inherently possess natural rights, including life, liberty, and property. These rights exist because humans are naturally free and equal in the state of nature. From this foundation, life, liberty, and property are inherent rights, as individuals require them to survive and flourish. Labor invested in resources confers property rights over them. Life and liberty, by contrast, require no special privilege or investment. They are fundamental rights that all free men possess. (John Locke's Second Treatise of Government, 1690).

Authorities have long recognized the existence of natural rights. The English Bill of Rights explicitly affirms that these liberties are "true, ancient and indubitable," including the freedom to petition the

king, the right to bear arms, free elections, and protections against excessive bail and cruel and unusual punishment. By describing these rights as “ancient” and “indubitable,” the Bill of Rights affirms that natural rights predate Parliament and exist independently of the monarch (English Bill of Rights, 1689).

Colonists possess the same natural rights as English subjects. The Virginia Resolves establish that the first settlers “brought with them and transmitted to their Posterity...all the Privileges, Franchises & Immunities...held, enjoyed, & possessed by the People of Great Britain,” confirming that these rights are inherited and universally held by all subjects, including the Colonists (Virginia Resolves, 1765). From Virginia to Massachusetts, and everywhere in between, the colonists justly claim the rights of Englishmen.

B. Government is built to protect natural rights.

Government exists to secure and protect the natural rights of the people. In the state of nature, individuals are the ultimate protectors of their own rights and the harms done to them. By joining society, they delegate authority to a government as an impartial arbiter to resolve disputes, but this delegation does not surrender their inherent rights.

Thus, civil authority derives its legitimacy from its role in preserving life, liberty, and property. The Committee Report on the Rights of the Colonists states that it is “the great end of civil government from the very nature of its institution.” (The Rights of the Colonists, 1772).

Any authority that fails to protect natural rights, or that exercises power arbitrarily, exceeds its legitimate function and violates the foundational purpose of government. The English Bill of Rights establishes that natural rights cannot be overridden arbitrarily, stating that “...all declarations, judgments, doings or proceedings to the prejudice of the people...ought in any wise to be drawn hereafter into consequence or example.” (English Bill of Rights, 1689). The Committee Report reiterates this, affirming that “the Legislative cannot justly assume to itself a power to rule by extempore arbitrary decrees.” (The Rights of the Colonists, 1772).

C. When the government fails to protect natural rights, the people have a right to overthrow it.

When the government becomes tyrannical, the people have a right to overthrow it. Tyranny is the exercise of power beyond the bounds of law for the benefit of the ruler rather than the governed (John Locke’s Second Treatise of Government, 1690). If a

king acts to destroy the commonwealth, enslave the people, or surrender them to foreign power, the people may resist. The Committee Report states that “in case of intollerable Oppression, Civil or Religious,” people should be able “to leave the Society they belong to, and enter into another.” (John Locke’s Second Treatise of Government, 1690).

The body of the people is the proper judge when rulers act beyond their trust, because they are the original source of authority. As John Locke states, “who shall be judge whether his trustee or deputy acts well... but he who deputes him” (Sect. 240). By retaining the right to judge and act against abuse, the people ensure that the government remains aligned with its original purpose: protecting life, liberty, and property.

Therefore, resistance against tyranny is a matter of self-defense and a duty of self-respect. The people may justly resist imminent tyranny because the goal is to secure natural rights. Locke establishes this principle, stating that “Self-defence is a part of the law of nature; nor can it be denied the community, even against the king himself” (Sect. 233). Passively enduring tyranny debases a free people, while rejecting tyranny preserves the essence of their liberty.

II. The actions of the British government constitute tyranny.

Under the principle of “taxation without representation,” the British government acted tyrannically in its taxation policies to colonies through the Stamp Act, Townshend Acts, and the Tea Act and violated constitutional authority. The British Parliament abused the economic dependence of the Colonies by imposing extractive levies on them and granting monopolistic privileges to certain British merchants at the expense of colonial merchants. Parliament then relied on military force to enforce compliance through an unconstitutional standing army, the Quartering Act, and the Intolerable Acts. The Crown further acted tyrannically by denying basic legal protections to the colonies by creating vice admiralty courts, transporting Colonists to England to be tried, by controlling judges, and by abolishing local juries. The Crown denied the colonists the right to petition for redress of grievances when Parliament rejected the Olive Branch Petition and declared the colonies to be in a state of rebellion.

A. Parliament acted tyrannically by taxing the colonies without representation.

Parliament’s imposition of taxes and penalties upon the American colonies without their consent constitutes an exercise of authority beyond lawful bounds and therefore amounts to tyranny. The Stamp Act of 1765 was levied by the British Parliament as a direct tax on paper goods, legal documents, and

publications. It was virtually unavoidable and forced on a people who had no say in its design. (The Stamp Act, 1765).

King James granted two royal charters establishing that the Colonists are entitled to the privileges, liberties, and immunities belonging to all citizens of England. One defining liberty of Englishmen is that taxation may be imposed only by the people themselves or by representatives they choose, who understand what level of taxation the public can afford, the least burdensome methods of raising it, and who are themselves subject to the same taxes (Virginia Resolves on the Stamp Act, 1765).

The people of the colonies have no representation in the British Parliament. Samuel Adams states that given their distance and local circumstances, “it is impossible they should be ever truly and properly represented there” (The Rights of the Colonists, 1772). Thus, the only legitimate representatives are colonial legislatures (Resolution of the Continental Congress, 1765). The Virginia Resolves articulated this principle by asserting that the colony’s General Assembly alone possessed the authority to levy taxes and impose duties upon Virginia’s inhabitants (Virginia Resolves on the Stamp Act, 1765).

As a means to justify Parliament's authority, opposing counsel may declare that the Colonies were virtually represented in Parliament. Thus, under this assumption, Parliament thought that it could tax and govern without an obligation to provide elected Colonial representatives to justify laws or taxation against them.

Representation requires actual consent through Colonial representatives, and not assumed acceptance of the Acts. Parliament established a pattern of exercising unchecked legislative and judicial power over unrepresented people. This pattern of conduct is tyranny rather than legitimate governance.

Therefore, the Stamp Act was expressly unconstitutional, as Parliament cannot “take from any man... any part of his property without his consent.” Taxation is a taking of property, and property is meaningless if it can be taken without consent (The Philadelphia Resolutions, 1773). Parliament cannot assume the power to dictate colonial property “at three thousand miles distant from them,” a body unrepresented by colonists with no real concern for the colonists’ interests (The Rights of the Colonists, 1772). This exercise of power exceeds lawful authority and thus constitutes tyranny.

Moreover, the Stamp Act was particularly detrimental to freedom because it “[executed] itself”: it made all documents legally invalid unless produced on taxed paper (Letters from a farmer in Pennsylvania, to the inhabitants of the British Colonies, Letter 2, 1766). The Act left the colonies no rational alternative but to comply, ensuring that the tax would be paid. This deliberate exploitation of necessity shows that consent was irrelevant to Parliament, and it exercised power solely for its own revenue. Extortion for the benefit of the government constitutes tyranny.

B. Parliament acted tyrannically by exploiting the colonists' economic dependence.

Parliament exercised tyrannical authority by exploiting the colonies' enforced economic dependence on Britain to extract revenue. After the repeal of the Stamp Act, Parliament shifted from direct internal taxation to external duties under the Townshend Acts. The Townshend Acts of 1767 imposed duties on imported goods such as glass, paper, paint, and tea. Although Parliament had the legal authority to levy duties on imports and exports for trade regulation, the Acts' primary purpose was to extract money from the colonies without their consent (Letters from a farmer in Pennsylvania, to the inhabitants of the British Colonies, Letter 2, 1766).

Great Britain required the colonies to import certain necessities, such as paper and glass, exclusively from British sources. Domestically, the colonies have limited manufacturing capacity. For instance, there are two to three glass-houses and few paper mills. It will take many years to develop sufficient domestic production to meet colonial demand, rendering the colonies compelled to purchase these necessities from Britain (Letters from a farmer in Pennsylvania, to the inhabitants of the British Colonies, Letter 2, 1766).

Because colonists must buy these British goods, any duty imposed automatically extracted money to raise revenue. Parliament utilized economic dependence as a mechanism of coercion. The Townshend Acts were external impositions that were both deliberately and functionally internal taxes (Letters from a farmer in Pennsylvania, to the inhabitants of the British Colonies, Letter 4, 1766). Therefore, Parliament exercised authority beyond the bounds of lawful power by imposing taxation without consent, thus constituting tyranny.

C. Parliament's retention of the tea duty to benefit the East India Company constituted tyranny.

Parliament continued to assert its right to tax the colonies without their consent while beginning to

extend tyrannical influence into colonial commerce. In 1773, Parliament deliberately kept the Townshend tax on tea after repealing the rest of the act. The Tea Act Resolution granted the British East India Company exclusive privileges to ship and sell tea directly in the colonies while maintaining the Townshend duty.

Parliament's formal characterization of the Tea Act as an external trade regulation does not accurately define its constitutional status. Through the Tea Act, Parliament knowingly preserved a revenue-raising duty that already existed. The Act therefore falls within the class of impositions that violate the principle that no tax may be levied without representation (Letters from a farmer in Pennsylvania, to the inhabitants of the British Colonies, Letter 4, 1766). Thus, the act is an exercise of power beyond the limits of the law and constitutes tyranny.

Furthermore, Parliament structured the Tea Act to benefit a single corporation at the expense of the governed. By granting the East India Company exclusive advantages, Parliament deliberately undercut colonial merchants to the detriment of ordinary market competition in order to improve the "benefit and advantage" of the East India Company's trade (Tea Act Resolution, 1773). Therefore, Parliament's unlawful exercise of power was directed

to serve imperial greed and inflict colonial harm and thus amounts to tyranny.

D. Parliament exercised tyranny by placing the colonies under military force rather than civil law.

The existence of a standing army during peacetime in the Colonies constitutes an unlawful exercise of power by Parliament. The English Bill of Rights states that “That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law” (English Bill of Rights, 1689). This limitation exists to protect civil rights by preventing military rule over citizens. Nevertheless, Parliament stationed troops in several Colonies without the consent of those Colonies and used troops to enforce their authority. Since the Colonies do not possess representation in Parliament, no lawful consent existed; therefore, the presence of a standing army is illegal and constitutes tyranny. As stated by Thomas Jefferson, “in order to enforce the arbitrary measures...his majesty has from time to time sent among us large bodies of armed forces...not made up of the people here, nor raised by the authority of our laws” (A Summary View of the Rights of British America, 1774).

In addition, the British standing army in the Colonies violates Locke's theory of legitimate government. Locke holds that men are naturally equal and free. He states that all individuals are born with the certain inalienable rights of life liberty, and property (John Locke's Second Treatise of Government, 1690). An army imposed without consent or permission places people under the jurisdiction of force rather than law. When military power is used in place of authority of the law, the government becomes tyrannical.

Parliament's reliance on military power is explicitly stated in the Quartering Act. The Quartering Act of 1774 allowed British soldiers to live in private homes where there were not enough barracks available (The Quartering Act, 1774). This act forced colonists to give up their rights to control their private property to the British military and placed the military above civil rights. This is an invasion of personal liberty and an insult to the rights of Englishmen

The Intolerable Acts are additional examples of Parliament's abuse of military and punitive efforts. The Boston Port Act closed the port of Boston until the citizens repaid the British Government for the Act of the Boston Tea Party. Parliament punished all citizens of Boston, as a whole, for the actions of a few, giving none of the citizens a chance to defend

themselves (Circular Letter of the Boston Committee of Correspondence, 1774). This act of collective punishment violates important principles of justice and due process, further exemplifying Parliament's willful misuse of power.

The Massachusetts Government Act took away the right of the Colonies to govern itself. It put nearly all of its authority under the control of a Royal Governor, limited the number of town meetings which could be held to one per year and took away the independence of the judges (The Massachusetts Government Act, 1774). By eliminating representative institutions and establishing civil authority through imperial control, Parliament effectively made civil authority dependent upon Britain's military might. Thus, when any government brings about any people's submission through arbitrary military action, the tyrannical government has forfeited its right to be obeyed.

E. Parliament's denial of the right to trial by jury and judicial independence constitute tyranny.

Parliament denied many basic legal procedural protections, giving vice-admiralty courts jurisdiction over all revenue laws and trampling on the right to trial by jury. The English Bill of Rights affirms that "jurors ought to be duly impanelled and returned,

and jurors which pass upon men in trials for high treason ought to be freeholders" (English Bill of Rights, 1689). This emphasizes that juries must be lawfully chosen and made by an impartial group of fellow subjects, rather than officials dependent upon Parliament. This mockery of justice inflicts punishment without the guarantees of procedural protections due to all Englishmen.

Trial by jury is not a convenience or a courtroom procedure. It is regarded under the English constitutional tradition as the most significant protection of freedom. The Continental Congress's Resolution emphasizes that "trial by jury is the inherent and invaluable right of every British subject in these colonies" (Resolution, 1775). Parliament acted tyrannically by depriving the Colonists of their right to trial by jury, which was meant to be a fundamental safeguard, and therefore were completely powerless to respond against a government acting without lawful authority.

The Declaration of Independence notes that Britain "has made our judges dependent on his will alone, for the tenure of their offices, and amount of their salaries." (Rough Draft of the Declaration, 1776). Courts in Britain have disregarded the requirement that judgment be decided by independent freeholders, placing authority with those whose livelihoods and office depend upon Parliament.

In this way, the British government has relinquished all constitutional protective mechanisms against unjust punishment and has allowed tyrannical government to extinguish long cherished rights.

Parliament approved transporting accused Colonists from their respective Colonies and returning them to Britain for trial under the Administration of Justice Act (The Administration of Justice Act, 1774). This was detrimental to the accused because they could not have their local witnesses available and again denied them a local jury of their peers. Samuel Adams states that the Colonists still maintain “the absolute Rights of Englishmen, and all freemen in or out of Civil society, [including] personal security, personal liberty and private property” (The Rights of the Colonists, 1772). By not allowing them to have their trials by jury locally and by having their trials so far away, Parliament jeopardized these rights and positioned itself as unaccountable to the law.

F. The Crown acted tyrannically by criminalizing lawful petitioning.

In 1775, the British government violated the colonists' right to petition by issuing the Proclamation for Suppressing Rebellion and Sedition in response to the Olive Branch Petition. The English Bill of Rights established that “it is the right of the

subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.” (English Bill of Rights, 1689).

In July 1775, the Continental Congress sent the Olive Branch Petition to the King asking for intervention against Parliament’s policies. Phrases such as “we therefore beseech your Majesty, that your royal authority and influence may be graciously interposed...” (Olive Branch Petition, 1775) clearly signal loyalty, deference, and lawful petitioning rather than rebellion.

Opposing counsel may claim that conditions in the colonies were too disorderly for petitioning to be valid. However, the legality of petitioning did not depend on obedience or tranquility elsewhere in the empire, but on the act of formally appealing to the Crown for redress.

The British responded by refusing to receive the petition and issuing the Proclamation for Suppressing Rebellion and Sedition, which classified the petition as criminal rebellion. The Proclamation constituted a prosecution because it initiated a criminal process against those associated with colonial resistance. It declared the colonies in “open and avowed Rebellion” and commanded officials and subjects to identify and report offenders “in order to bring to condign Punishment the Authors,

Perpetrators, and Abettors of such traitorous Designs." (A Proclamation for Suppressing Rebellion and Sedition, 1775). This breached the English Bill of Rights' guarantee that "all commitments and prosecutions for such petitioning are illegal."

By violating the English Bill of Rights, the Crown exercised power beyond the bounds of law. Furthermore, the King used authority to suppress dissent and preserve parliamentary control, prioritizing the interests of the ruler over those of the governed. The Proclamation for Suppressing Rebellion and Sedition thus constitutes an act of tyranny.

III. The Declaration of Independence should be adopted now.

The Colonies no longer had any hope of resolving the conflict within the British Empire. The King completely cast aside the Olive Branch Petition, which confirmed the Colonies' loyalty and asked for relief; the King thus rejected all lawful appeals and negotiations made to him by the colonies. Loyalist arguments requesting the colonies submit to the King are invalid. The war that had already begun was causing harm to life, property, and rights; therefore, the oppressive actions of the King caused the Colonies to cease being obligated to be loyal to him.

This official declaration did not create a new status for the Colonies but merely recognized that the Colonies were already independent before the Declaration.

A. Reconciliation is not a viable course of action.

The Colonies have no way to reconcile with the Crown, making it imperative for them to resist and form a new government. The Continental Congress sought to peacefully resolve the dispute by sending the Olive Branch Petition to King George III. The petition did not assert their independence; rather, it affirmed the Colonies' loyalty to the King and sought relief, declaring “we not only most ardently desire the former harmony between her and these colonies may be restored... and to transmit your Majesty's name to posterity adorned with that signal and lasting glory” (Olive Branch Petition, 1775). The King's response to this was to ignore it and issue a Proclamation for Suppressing Rebellion and Sedition. This act by the King is a clear rejection of reconciliation and presented the Colonies with no other choice but revolution.

Though the opposing council recognizes that the Colonies suffered wrongs at the hands of Parliament, they argue that even though disobedience is understandable, it is better to obey

and reconcile. Instead of fighting British authority, the Loyalists contend that disorder and suffering for everyone would follow if anyone challenged British authority. General Thomas Gage argued the conflict should be “terminated like the quarrels of lovers” (Response from General Gage, 1774), while William Franklin claimed that submission would lead to “Peace, Happiness and a Restoration of the public Tranquility,” whereas resistance would result in “Anarchy, Misery, and all the Horrors of a Civil War” (Address to New Jersey Provincial Assembly, 1775).

The Loyalists asserted Parliament's supremacy by stating “the supreme power of every community has the right of requiring from all its subjects such contributions as are necessary to the public safety or public prosperity” (Taxation no Tyranny, 1775). Thus, the Loyalists believed that Parliament's ultimate authority was to regulate its subjects and protect the safety of the Colonies.

This position collapsed when the reconciliation process was forcibly terminated by Parliament and the Crown. Colonists attempted to attain peace through lawful petitions and declarations of loyalty to the Crown. However, the Crown rejected any effort to reconcile and resorted to measures of coercion and punishment. Under such circumstances, the willingness to obey would not achieve and protect order, but would instead support arbitrary and

capricious authority of the Crown. As soon as the lawful means of appeal were exhausted and rejected by the Crown, the only course of action left was to resist the Crown's arbitrary power to maintain liberty.

B. War is already a fact.

Independence already exists in law and in practice. With respect to Parliament and the people of England, colonial trade and governance have long been independent, as English restrictions operated only through colonial acquiescence and not lawful authority. With respect to the King, the obligation of allegiance has been terminated by his assent to oppressive Parliamentary acts and by his own initiation of war against the colonies (Jefferson's Notes of Proceeding in the Continental Congress, 1776). Allegiance and protection are reciprocal: when protection is withdrawn, as it has been through the King's acts, allegiance ceases. By commencing hostilities, the Crown has already placed the colonies outside the protection of law. Therefore, a formal declaration of independence does not create a new condition; it acknowledges a legal and factual reality.

CONCLUSION

We pray that the United Colonies declare independence from Great Britain.

Respectfully submitted,

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