

No. 74-1776

In the
Continental Congress of the United States

PATRIOTS,

Petitioners,

v.

LOYALISTS,

Respondents.

BRIEF FOR PETITIONERS

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[February 6, 2026]

QUESTIONS PRESENTED

Should the United Colonies declare independence from Great Britain?

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SUMMARY OF ARGUMENT

Bolstered by the desire to uphold the very rights instrumental to the Kingdom of Great Britain's government structure, the Patriot cause in the American colonies arose from frustration with the status quo.

Following the abandonment of Salutary Neglect, the American colonies experienced a period of increased British oversight and decreased self-governance. The Intolerable Acts prompted widespread frustration over lost economic independence, and colonists began to view the role of the colonies as a mere vessel to serve the “mother nation” instead of a hopeful new territory with the capability to develop into a vast society and prosperous economy.

The King himself, and the British Parliament more broadly, have strayed from an equitable and effective relationship. The colonies and British crown no longer have a mutually beneficial arrangement, and the current situation veers towards a system where economic freedom is compromised and governmental representation is disregarded. Despite multiple conversations and channels of discourse, Colonists have been unsuccessful in securing concrete representation in the British Parliament, thus creating what has been coined a “No Taxation Without Representation” frustration within colonial communities.

Since the colonies have been stripped of their right to self-governance, the Patriot cause has arisen to create an opportunity for regime change in the new territory. In hopes of fostering economic prosperity, independence, and a system of self-governance, the colonists thus affirm the justifications for the Patriot cause to mitigate the impact of British tyranny.

ARGUMENT

I. The American Colonies were economically disadvantaged under the British Crown, both in developing industry for the future and in maintaining an economically productive society.

To adequately address the justifications for the Patriot cause, one must first address the components of a prosperous society: civic trust, representative government, and economic opportunity. The Kingdom of Great Britain is fundamentally ill-positioned to provide colonists with adequate opportunity and representation. In *Common Sense* by Thomas Paine, Paine addresses the unnatural dynamic of an island governing a continent. Under the rule of the Kingdom of Great Britain, this hypothetical “island” is responsible for governing a vast continent that its representatives, in most cases, have never seen. This disjointedness in the system has created apparent holes in the framework actively governing the 13 colonies as they rapidly expand.

In developing a legitimate government in which the people trust those in positions of power, economic freedom is a key priority. Without the ability to develop a strong and independent economy, colonists are left stifled in their abilities to further the society in which they live. In his second letter in response to the Stamp Acts, John Dickinson explained, “we may

observe an authority expressly claimed and exerted to impose duties on these colonies; not for the regulation of trade; not for the preservation or promotion of a mutually beneficial intercourse... but for the single purpose of levying money upon us." In this statement, Dickinson emphasizes how the balance of power has shifted to favor British economic prosperity and suppress the prosperity of the colonies in order to promote a widening chasm between the "mother country and her colonies."

A. Britain limited economic growth to benefit the empire

In order to obtain an image of strength and economic centralization in the "mother country," the Kingdom of Great Britain resorted to imposing strict and unjust economic policies on the American Colonies. The Intolerable Acts, such as the Stamp Act and Tea Act, were imposed in an attempt to place the burden of debt from the French and Indian War on the colonies. The British believe that the colonies should pay for the costs of war and the continued stationing of British troops in North America. This system is inherently unjust, as the colonies are expected to pay off all debt from the war, while the larger nation benefits from the positive economic activity resulting from the maintenance of the colonies; this system favors mutually beneficial economic policy while placing the entire negative

burden upon the colonists, already struggling to create a system of stability on new land.

Though the Intolerable Acts were imposed to address the recently concluded war, they had an indirect impact of conveying Parliament's supreme authority over the colonies. Much to the colonists' dismay, laws like the Act Repealing the Stamp Act of 1766 reaffirmed Parliament's authority. While the Massachusetts Government Act of 1774 aimed to limit the autonomy of the government and "ordained and established, That the governor of the said province should, from thenceforth, be appointed and commissionated by their Majesties," British rulers were actively diminishing the economic freedoms and profitability of the colonies' trade systems. This combination of lost governmental power and diminished economic opportunity prompted widespread public frustration and a departure from core British governmental values.

"Taxation without representation" arose as a prominent phrase to depict the apparent injustices in the Kingdom of Britain's virtually representative government. In Virginia Resolves, Patrick Henry claims, "Resolved, Therefore that the General Assembly of this Colony have the only and sole exclusive Right & Power to lay Taxes & Impositions upon the Inhabitants of this Colony and that every Attempt to vest such Power in any Person or Persons whatsoever other than the General Assembly aforesaid has a manifest Tendency to destroy British

as well as American Freedom.” This argument further clarifies and refines the scope of taxation power within the British government to help clarify the lack of transparency in the taxation of the colonies. Henry argues that, while the tendency to increase taxation and vest power in unreliable leaders is apparent, the only authority on taxation should be the General Assembly.

B. The freedom of colonists is impinged upon by British economic policy

John Locke’s concept of the “social contract,” in which the government obtains its power from the people’s consent to be governed, sets the foundation for the American Patriot cause. *The Bill of Rights; A List of Grievances*, drafted by the First Continental Congress, argues that, “our ancestors, who first settled these colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.” This argument further emphasizes the shift in the political and social relationship between the British Royal Crown and the legislative bodies of the American colonies. The very fundamentals that prompted exploration and incentivised growth are actively prompting colonists to desire a change in leadership. Principles of liberties and freedoms are no

longer parlayed to colonists, who are instead expected to perceive “virtual representation” as a sufficient voice in the national government.

The very essence of a free society in the colonies is questioned under the rule of the Kingdom of Great Britain. As Locke argues, “This is the soul that gives form, life, and unity, to the commonwealth: from hence the several members have their mutual influence, sympathy, and connexion: and therefore, when the legislative is broken, or dissolved, dissolution and death follows: for the essence and union of the society consisting in having one will, the legislative, when once established by the majority, has the declaring, and as it were keeping of that will.” In the current political climate, the mutually beneficial relationship of economic activity between the colonies and the national government could be classified as a break in the legislative integrity of the system. The very rights that support British citizens’ freedoms are threatening the prosperity of the developing colonies in their absence.

The Philadelphia Resolution echoes back to this Enlightenment ideal of the social contract, bringing the thought into the present circumstances of the Tea Act and claiming, “the duty imposed by Parliament upon tea landed in America is a tax on the Americans, or levying contributions on them without their consent”. The concept of “consent” is particularly prevalent in conversations of virtual representation, as many colonists argue they are not

provided with an adequate platform to voice their qualms or grant their consent.

II. The British Crown replaced the colonists' system of self-government with arbitrary power, violating the fundamental principles of representative government

On November 20th, 1772, American colonist Samuel Adams stated in the Rights of the Colonists, "All Men have a Right to remain in a State of Nature as long as they please: And in case of intollerable Oppression, Civil or Religious, to leave the Society they belong to, and enter into another." This claim establishes that when authority becomes oppressive rather than protective, separation becomes justified.

Almost exactly a year ago, representatives of the United Colonies of North-America met in Congress at Philadelphia to draft the Declaration of Causes and Necessity of Taking Up Arms. This declaration further depicts the King's destructive actions, and its impacts on the colonists' daily lives, saying "His Troops have butchered our Countrymen, have wantonly burnt Charlestown, besides a considerable number of Houses in other Places; our Ships and Vessels are seized; the necessary supplies of Provisions are intercepted, and he is exerting his utmost Power to spread destruction and devastation around him." This quote manifests the damage that Britain has created, showing that they stay in power by violating the rights of humans.

A. The British Crown perpetuated control over the colonies through military coercion and infringement on legal rights

Samuel Adams argues that natural rights are inalienable and cannot be surrendered, saying ‘no men consistently with their own rights as men and citizens or members of society, can for themselves give up, or take away from others.’ In conjunction, these Patriotic claims support succession by depicting the British Crown as a tyranny attempting to control colonial governance and make direct assaults on their liberties. Similarly, Adams writes, “Governors have no right to seek what they please; by this, instead of being content with the station assigned them, that of honourable servants of the society, they would soon become Absolute masters, Despots, and Tyrants.” This emphasizes the idea that rulers are meant to serve the people, not dominate them, or else they risk becoming tyrannical.

Thomas Jefferson conveyed the justification presented by the colonists for leaving British rule, directly stating that, “the British parliament has no right to exercise authority over us.” Even if the Parliament’s laws appear to be legal, they are illegitimate because Parliament has no jurisdiction over the colonies, given the lack of representation. The British violate the social contract, as the colonists do not consent to being governed. Jefferson continues his argument, asserting “instead of being a free people, as we have hitherto supposed, and mean

to continue, ourselves, we should suddenly be found the slaves, not of one, but of 160,000 tyrants.”

By the same token, the sheer distance between Britain and America makes proper representation and oversight unattainable. Samuel Adams continues to directly admit that, ‘From their local situation and circumstances, it is impossible they should be ever truly and properly represented there.’ Evidently, Patriots believe that no amount of reform or compromise can improve British oversight from overseas. Rather, succession is the only viable solution to successful governance and gaining a voice.

One of the most notable examples of British overreach was the Quartering Act of 1774, in which the British utilized the military as a tool to control colonial societies. The Act states, “it shall and may be lawful for the governor of the province to order and direct such and so many uninhabited houses, out-houses, barns, or other buildings, as he shall think necessary to be taken.” This essentially allowed the British governors to take private properties for the army; the ambiguous phrase “think necessary to be taken” sets no clear boundaries on the powers of the military. Samuel Adams critically emphasizes the importance of property in a free nation, questioning, “What liberty can there be, where property is taken away without consent?” Adam explains that, “their property shall be disposed of by a house of commons at three thousand miles distant from them; and who cannot be supposed to have the least care or concern

for their real interest:” This demonstrates the principle that a Parliament across the ocean can make decisions for the colonies without truly understanding colonial needs.

Plus, Thomas Jefferson expressed in his Summary View of the Rights of British America, “the majesty has no right to land a single armed man on our shores; and those whom he sends here are liable to our laws for the suppression and punishment of Riots, Routs, and unlawful assemblies, or are hostile bodies invading us in defiance of law.” Physical coercion was utilized to limit the colonists, notably when they were exercising their god-given right of gathering and protesting. Evidently, the colonists were angered over the Crown’s tyrannical interference in every part of their lives, and the extent to which Britain went to control their actions.

Colonists felt so oppressed that representatives of the United Colonies at Philadelphia’s Congress even described British foreign rule as “voluntary Slavery”; notably, the colonists believed that there was a way out of this lifestyle, thereby including the word “voluntary”. This alludes to the perspective that voluntary slavery and rule under an oppressive government is worse than war, emphasizing the ability to change their reality, benefiting future generations.

B. The colonists were denied representation and self-government, violating their natural rights

For starters, the Suffolk Resolves, published in 1774, directly demonstrate that the British Parliament has infracted on the forms of governance the colonists have created, stating, “That the late Acts of the British Parliament for blocking up the harbor of Boston, and for altering the established form of government in this colony, and for screening the most flagitious violators of the laws of the province from a legal trial, are gross infractions of those rights to which we are justly entitled by the laws of nature, the British Constitution, and the charter of the province.” This quote shows that the colonists believed their right to govern themselves through their own elected institutions was being hindered by a foreign legislature in which they had no representation. Through using the language “laws of nature”, the Suffolk Resolves frame self-government as an inherent and inalienable right, making British interference unjust and violating.

Furthermore, the colonists recognized that the authority must govern through the rule of law rather than forced power. Samuel Adams exemplifies this ideal, declaring, “The Legislative cannot Justly assume to itself a power to rule by extempore arbitrary decrees; but it is bound to see that Justice is dispensed, and that the rights of the subjects be decided, by promulgated, standing and known laws,

and authorized independent Judges.” Their focus on the rule of law is exemplified through his statement, “There shall be one rule of Justice for rich and poor; for the favorite in Court, and the Countryman at the Plough.” Together, these statements reveal that the colonists viewed arbitrary governance as a form of tyranny, undermining legal equality and political legitimacy. Adam reinforces the idea that self-government depends on transparent, representative institutions, including “independent Judges” and following “standing and known laws”. Hence, British actions that overstepped the colonists’ legislatures and imposed authority directly through force violated the colonies’ natural right to self-government.

Moreover, Patriots believe that the colossal population of the colonies makes meaningful representation in the Parliament impossible, explaining the need for succession. As Samuel Adams asks, “Can it be said with any Justice, that this Continent of three thousand miles in length, and a breadth as yet unexplored, in which there are five millions of people, has the least voice, vote, or influence in the decisions of the British Parliament?” This rhetorical question highlights the illegitimacy of claiming representation for a massive population, because legitimate government requires the consent of the people. British rule, excluding millions of people, cannot be considered just.

On the other hand, some Loyalists opposed independence because the colonies are components of the British Crown, and therefore, the power that Parliament wields is legitimate. John Dickinson, author of *Letters from a Pennsylvania Farmer*, emphasizes in Letter 2, “We are but parts of a whole; and therefore there must exist a power somewhere, to preside, and preserve the connection in due order. This power is lodged in the parliament; and we are as much dependant on Great-Britain, as a perfectly free people can be on another.” Through this reasoning, Loyalists argue that the stability of the colonies requires a higher central authority somewhere. Therefore, they view dependence on the British Parliament as a necessary means to preserve order. Patriots, however, counter by describing the united colonies, that are able to function internally. They feel justified in declaring independence, proclaiming, “Our cause is just. Our union is perfect. Our internal Resources are great, and, if necessary, foreign Assistance is undoubtedly attainable” in the Declaration of Causes. This frames a rebellion as overall morally justified, due to its necessity in protecting the sacred union that the colonies have created.

Crucial to note is that the colonists repeatedly sought reconciliation through petitions, appeals to Parliament, and declarations of loyalty. The colonists collectively agree that they have “pursued every temperate, every respectful Measure with the King, yet nonetheless, none of their demands have been made. Their voices have gone unheard for decades,

being ruled by an island across the ocean without proper representation. To protect their lives, even the last peaceable colonists, who are peaceful, loyal, and reasonable, are forced into war.” This principle shows that independence was considered only after repeated attempts at reconciliation. Britain then responded with coercive actions like the *Massachusetts Government Act* and the *Quartering Act*.

CONCLUSION

As Thomas Jefferson stated in the 1775, *Declaration of the Causes and Necessity of Taking Up Arms*, “a Reverence for our great Creator, Principles of Humanity, and the Dictates of Common Sense, must convince all those who reflect upon the Subject, that Government was instituted to promote the Welfare of Mankind, and ought to be administered for the Attainment of that End.” Such a quote puts intense emphasis on the diverging perspectives of the Kingdom of Britain’s government and that of the colonists, further proving the need and motivation for the Patriot cause and greater independence.

The injustices committed against the 13 colonies run counter to the very ideals of freedom the British government was founded to uphold. Virtual representation is fundamentally insufficient in protecting the well-being of American colonists. Furthermore, in the absence of representation, the royal crown has proceeded to impose more taxation on the colonies through the Coercive Acts than they wish to burden themselves with. Thus, one can infer that the unity once tying the British Government and the colonies together has weakened, and there is just cause for a dissolution of economic and social ties.

The American colonies have made great strides in attempting to establish principles of self-governance in the colonies. The House of Burgesses in Virginia

and the bicameral Pennsylvanian government serve as key examples of the colonists' desire to establish local governments to uphold the principles of self-governance that are so heavily echoed throughout British history yet glaringly lacking in application.

Furthermore, the loss of economic freedoms in the colonies has created an oppressive system for any peoples motivated to engage in trade or seek financial prosperity. In the Boston Port Act, the British Parliament claimed that as a result of the Boston Tea Party, "the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable to his Majesty duly collected; and it is therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town." This very assertion that trade was to be closed as a result of action against the king is very proof that the relationship between the British crown and colonies is no longer functional. The colonists were clearly acting out of frustration for the Intolerable Acts, yet the British government chose to act in an oppressive and punishing fashion instead of repealing the very legislation prompting civil unrest.

Whilst acknowledging the deep economic and social ties between the Kingdom and Great Britain and the American colonies, the 13 colonies have sufficient cause to desire a separation. Having been deprived of the rights to due process of law, economic

freedom, and adequate representation, the Patriot cause arose as an escape from oppression. It is with both sadness and cautious optimism that the Patriots resolve to secede from British rule. As stated in the Journals of Congress on Tuesday, July 2nd, 1776, “these United Colonies are, and, of right, out to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them, and the state of Great Britain, is, and out to be, totally dissolved.”

Respectfully submitted,

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