

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

The cause of American independence stands as a vital necessity for safeguarding the fundamental freedoms and prosperity of all who dwell within these thirteen colonies, now and for generations yet unborn.

Recent actions by the British Crown reveal an alarming escalation in its determination to suppress the autonomy that colonial society has long exercised, while simultaneously encroaching upon the natural liberties that belong to every person by divine right.

Through its own conduct, the Parliament in London has severed the bonds of mutual respect and obligation that once united America with the mother country. Despite Britain's assertions that colonists enjoy representation through their supposed advocates across the Atlantic, the reality remains that no genuine voice for American interests exists within those halls of power. The people have made their grievances known. They have done this through protesting unjust levies, the confiscation of merchant vessels, and their exclusion from meaningful governance. They have used petitions, assemblies, and peaceful demonstrations. The Crown's answer, however, has been not dialogue but coercion, dismissing all dissent as sedition and treating reasonable pleas for reform as acts of defiance worthy only of military response. Every attempt toward peaceful resolution has been met with indifference or contempt, while Britain intensifies its campaign to

silence, through force of arms, the rightful demands of its own subjects.

Given that the colonies have been stripped of their capacity for self-determination and denied those inalienable rights bestowed by the Creator, and given that every earnest effort toward reconciliation has been spurned, the path forward becomes clear: Americans must pursue separation from British dominion.

ARGUMENT

I. A Course of Parliamentary Acts, Including the Stamp Act, the Tea Act, and the Intolerable Acts, Demonstrates a Sustained and Unlawful Exercise of Authority Over the American Colonies.

The acts of Parliament enacted from 1765 through 1774 collectively exhibit a persistent pattern of encroachment upon the lawful liberties of the colonies, each measure compounding the previous in both severity and scope. The Stamp Act of 1765 first intruded directly upon colonial self-governance by imposing internal taxation without consent, a matter previously regulated only for trade and not for revenue. The Tea Act of 1773 renewed such claims of authority while simultaneously favoring the East India Company, thereby threatening colonial commerce and asserting Parliament's ability to dictate economic affairs. Finally, the Coercive or Intolerable Acts of 1774 employed punitive measures, closing the port of Boston, restricting local government, and compelling the colonists to house troops. Collectively, these statutes demonstrate a course of parliamentary measures intended to consolidate authority over the colonies, undermining charters, assemblies, and the rights of English subjects as articulated in colonial resolves and petitions. Each act not only infringed upon individual liberties but also revealed the Crown's disregard for the principles of consent and self-governance.

A. The Stamp Act Asserts a Parliamentary Power of Internal Taxation Without Colonial Consent, Undermining the Rights of English Subjects.

The Stamp Act of March 22, 1765, represents a direct and unprecedented assertion of Parliamentary authority over the internal affairs of the American colonies, transforming a matter of commerce into a constitutional dispute. By imposing internal taxes on a wide range of paper goods, including, “every Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper,” with duties ranging from three pence to ten pounds, Parliament acted without the consent of the colonists, who possessed no representation within that body. In so doing, the Act constituted a direct violation of the “Privileges, Liberties & Immunities of Denizens and natural born Subjects...as if they had been abiding and born within the Realm of England,” as Mr. Patrick Henry asserted in his Virginia Resolves on the Stamp Act (1765). Mr. Patrick Henry further emphasized that “The Taxation of the People by themselves or by Persons chosen by themselves... is the distinguishing Characteristick of British Freedom,” underscoring that taxation without colonial consent was unlawful and incompatible with liberty.

The Act provoked widespread political mobilization, demonstrating that Parliament had become an active threat to colonial rights rather than a distant arbiter. Mr. John Dickinson, in his Letters from a Farmer in Pennsylvania, warned that Parliament had, for the first

time, claimed the power to levy duties “for the single purpose of levying money upon us,” a power previously unknown and incompatible with the principle that colonial trade regulations existed solely to “regulate trade, and preserve or promote a mutually beneficial intercourse.”

Mr. Patrick Henry’s Virginia Resolves and Mr. John Dickinson’s *Letters from a Farmer* emphasized the illegitimacy of external taxation, while John Locke’s *Second Treatise of Government* established that governments exercising power without consent may justly be resisted. John Locke defined the foundation of civil society as the preservation of inherent rights, identifying among them “a Right to Life... to Liberty... [and] to Property,” and further maintained that rights not voluntarily relinquished remain beyond the lawful reach of government authority. Applied to the colonial condition, this doctrine affirmed that Parliamentary interference violated rights never ceded by the colonies, particularly in light of their long-standing practice of internal self-government. Thomas Paine later distilled these arguments into a call for urgent action in *Common Sense*, asserting that “The powers of governing ... will be exerted, to keep this continent as low and humble as possible.” Collectively, these sources provided both the intellectual and moral justification for asserting independence in defense of natural and constitutional rights.

B. The Tea Act Renews and Entrenches the Disputed Claim of Taxation Authority While Manipulating Colonial Commerce to Enforce Submission.

The Tea Act of 1773 was an act of the British parliament that allowed the East India Company to sell tea directly to the American colonies at lower prices while maintaining the Townshend three-pence tax. This seemingly commercial measure represented a profound assault on colonial rights. The colonists opposed it not because of economics alone but because it asserted Parliament's right to tax them without representation and gave the East India Company a monopoly that threatened colonial merchants. These two violations of taxation without consent and government-granted monopoly struck at the heart of English legal protections. The principle of "no taxation without representation" was not a colonial innovation but a bedrock English constitutional guarantee. Virginia's Committee of Correspondence, established in early 1773, expressed alarm over "various rumours and reports of proceedings tending to deprive them of their ancient, legal, and constitutional rights." This concern was then confirmed when Parliament passed the Tea Act shortly thereafter, demonstrating precisely the sort of violation of rights the Virginians had warned against. The Act asserted Parliament's claimed authority over colonial commerce and taxation in ways that violated fundamental English legal principles established over centuries of struggle against arbitrary power. That Parliament would tax subjects who possessed no voice in that body violated traditions extending back centuries.

The additional grant of privilege to a favored corporation demonstrated Parliament's willingness to sacrifice colonial economic liberty for the benefit of special interests, increasing the constitutional injury.

**C. The Acts Commonly Called the
Intolerable Acts Employ Punitive
Measures to Compel Obedience and
Suppress Colonial Self-Government.**

The Intolerable Acts of 1774 constituted a series of punitive statutes designed to restrict the liberties of the inhabitants of Massachusetts and to curtail the autonomy of colonial governments. This series included the Boston Port Act, which closed the city's harbor to trade as retribution for the Boston Tea Party, declaring that "dangerous commotions and insurrections...in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on"; the Massachusetts Government Act, which restructured local governance by transferring authority over appointments to the royal governor; and the Quartering Act, which required colonists to house and supply British troops. The Boston Committee of Correspondence, in their Circular Letter of May 13, 1774, denounced these measures as "the most ignominious, cruel, and unjust," warning that the British aim was "to divide the colonies" and calling for coordinated resistance.

Colonial leaders responded by invoking both

natural and constitutional rights. The Suffolk Resolves, authored by Joseph Warren in September 1774, declared that “the late Acts of the British Parliament... 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,” and recommended active noncompliance as well as preparation of the militia. The Declaration and Resolves of the First Continental Congress reinforced these principles, asserting that colonists were “entitled to life, liberty, and property” and that taxation or legislation imposed without colonial consent violated the fundamental rule that only their own legislatures could represent them. The Continental Association, ratified on October 20, 1774, pledged a comprehensive trade boycott with Great Britain, declaring that the colonies “will not import into British America, from Great Britain or Ireland, any Goods, Wares, or Merchandise whatsoever” until their rights were restored. These coordinated political, legal, and economic measures reflect the colonies’ understanding that the Intolerable Acts constituted not isolated grievances, but a direct and systematic threat to their liberties, necessitating unified action to defend their rights as subjects of the Crown.

**II. Colonial Writings, Debates, and Appeals
Demonstrate the Justification for
Independence While Repeatedly Seeking,
and Being Denied, Reconciliation with Great
Britain.**

The question of independence did not arise abruptly, nor was it adopted without extensive deliberation. Rather, it emerged from a sustained period of constitutional argument, public debate, and repeated appeals to lawful authority. From 1774 through 1776, colonists engaged in rigorous examination of Parliament's claims, the nature of allegiance, and the limits of obedience owed to government. Patriot writers articulated the illegitimacy of British rule, Loyalists cautioned against separation, and colonial leaders pursued reconciliation through petitions and parliamentary appeals. The rejection of these efforts ultimately compelled a determination of whether continued submission or formal independence best preserved liberty, legality, and the rights of the governed.

A. The Writings and Speeches of Patriots Articulated the Illegitimacy of British Rule and the Necessity of Asserting Independence

Patriot writings and addresses consistently articulated the unlawful encroachment of Parliament upon the natural and constitutional rights of the colonies and provided reasoned justification for asserting independence. In *A Summary View of the Rights of British America* (1774), Mr. Thomas Jefferson asserted that British measures constituted “a series of oppressions... [that] prove a deliberate, systematical plan of reducing us to slavery,” emphasizing that the colonies sought “not favors, but rights” inherent to all

free peoples. The Suffolk Resolves, authored by Mr. Joseph Warren, similarly condemned Parliamentary acts as “gross infractions of those rights to which we are justly entitled by the laws of nature” and “hostile to the rights of a free people,” recommending that the colonies prepare for resistance. Taken together, these writings established that Parliamentary authority had exceeded lawful bounds, transitioning from governance into domination.

By 1775, patriot discourse advanced beyond protest into explicit justification for independence. Mr. Patrick Henry, in his famed oration “Give Me Liberty or Give Me Death,” declared that “our chains are forged,” echoing Mr. Jefferson’s assertion that British tyranny was deliberate and systematic. In July of the same year, the Continental Congress, through *The Causes and Necessity of Taking Up Arms*, asserted that the colonies faced the choice between “unconditional submission to the tyranny of irritated Ministers, or resistance by force. The latter is our choice.” Mr. Thomas Paine’s *Common Sense* (1776) further articulated the colonies’ right to establish self-government, declaring that “we have it in our power to begin the world over again,” and heralding the creation of a political order founded upon reason and the consent of the governed rather than hereditary monarchy. The Halifax Resolves (1776) cemented this position, authorizing North Carolina’s delegates to “concur with the other delegates of the other Colonies in declaring Independency, and forming foreign Alliances.” Collectively, these writings demonstrate the evolution of colonial thought from grievance to deliberate assertion

of sovereignty, providing both moral and legal justification for the Declaration of Independence.

**B. Loyalist Pamphlets and Addresses
Warned of Economic and Military Peril
Should the Colonies Sever Ties with the
Crown**

Arguments advanced by loyalists in writings from 1774-1776 warned of the economic weakness and military vulnerability the colonies would struggle with if secession from Britain occurred. While these concerns were practical and worthy of consideration, they fundamentally failed to address the constitutional crisis at the heart of the Patriot cause.

Loyalists warned that independence would crumble colonial prosperity. James Chalmers, as Candidus in *Plain Truth*, the loyalist response to Thomas Paine's *Common Sense*, argued "when independent, we cannot trade with Europe, without political connections, and that all treaties made by England or other commercial states are, or ought to be, ultimately subservient to their commerce." Chalmers contended that within the British empire, the colonies enjoyed preferential trading status and naval protection, but the elimination of those benefits would have catastrophic effects on the colonies' economy. This argument addresses consequences of independence without justifying Parliament's authority to violate colonial rights. The idea that independence may economically

hinder the young nation does not legitimize tyrannical overreach. Economic dependency cannot justify the violation of fundamental liberties. To accept Chalmers' reasoning would be to concede that prosperity may be purchased at the price of constitutional rights, which is incompatible with the principles of free government.

Daniel Leonard, writing under the nom de plume *Massachusettensis*, in an April 3rd, 1775 address to the Province of Massachusetts Bay, berated the colonists for believing they could conquer in war. He stated that the colonists "have nothing to oppose to this force, but a militia unused to service, impatient of command, and destitute of resources" and argued that their war could be "but little more than mere tumultuary rage." Leonard also noted the colonies' global vulnerability without Great Britain, stating "When this war is proclaimed, all supplies from foreign parts will be cut off. Have you money to maintain the war?" Leonard's argument reduces to this: submit to Parliament because Britain possesses superior military force and can inflict economic devastation. But governmental legitimacy derives from the consent of the governed, not from capacity to compel obedience through military might or economic coercion. That Britain would contemplate deploying its forces against subjects asserting constitutional rights and that Loyalists would cite this military superiority as justification just proves the necessity of separation.

Leonard's assumption that Britain would respond to colonial resistance by cutting off "all supplies from

foreign parts" validates the Patriot contention that peaceful constitutional redress had become impossible. Britain would choose economic warfare and military subjugation over recognition of colonial rights. Most significantly, the loyalists provided realistic and comprehensive arguments surrounding economics and war in their opposition to independence but offered no defense of Parliament's constitutional authority to tax without representation or to grant monopolistic privileges at colonial expense.

Neither Chalmers nor Leonard addressed the fundamental question: Did Parliament possess legitimate authority to violate the constitutional rights of British subjects in America? Their arguments were entirely prudential, warning of consequences while conceding by silence that the constitutional violations were indefensible. This omission undermines the Loyalist position. If Parliament's actions violated colonial rights as the Loyalists' failure to defend them suggests, then submission would establish the precedent that fundamental rights may be violated with impunity whenever resistance proves difficult. Such a precedent would destroy constitutional government itself, replacing rule of law with rule of force.

The Loyalists essentially argued that colonists should tolerate constitutional violations because resistance would be economically and militarily costly. But liberty cannot be preserved by those willing to surrender it for convenience or safety. The very nature of tyranny is that it makes resistance difficult. However,

this difficulty does not legitimize the tyranny but rather proves its oppressive character.

C. Efforts at Reconciliation, Including the Olive Branch Petition and Appeals to Parliament, Were Rejected, Leaving the Colonies With Limited Options Short of Independence

The Continental Congress made brief efforts to reconcile with Great Britain in 1775, demonstrating the colonists' preference for peaceful resolution even after armed conflict had commenced. The failure of these efforts, however, proved that separation became necessary not through colonial choice but through British intransigence.

The speech of Edmund Burke on Moving His Resolution for Conciliation proposed peace, stating "simple Peace; sought in its natural course. . . laid in principles purely pacific." He proposed "by removing the Ground of the difference, and by restoring the former unsuspecting confidence of the Colonies in the Mother Country, to give permanent satisfaction to your people; which reconciles them to the British Government." He emphasized simplicity and the long lasting strengths of conciliation, which would benefit both the colonies and Britain. Burke's language is revealing and implicitly acknowledges that Parliament's policies had created the constitutional crisis. His proposal to remove "the Ground of the difference" admits that Britain bore responsibility

for the rupture. His goal to restore "the former unsuspecting confidence of the Colonies in the Mother Country" recognizes that British actions had destroyed the trust essential to harmonious governance. His reference to giving "permanent satisfaction to your people" acknowledges that the current state of affairs was profoundly unsatisfactory to the colonists and required fundamental change.

Yet Parliament rejected Burke's wisdom, preferring assertion of unlimited parliamentary authority over preservation of imperial unity and constitutional harmony. Another key factor of the colonies' efforts for reconciliation was the Second Petition from Congress to the King on July 8th, 1775. Also known as the Olive Branch Petition, it was a final attempt at peace after the battles of Lexington and Concord in April earlier that year. The timing of this petition is crucial and demonstrates extraordinary colonial restraint: it was drafted and sent after British regulars had fired upon colonial militia, after the first battles of the war had been fought, after American blood had been shed on American soil. Despite this severe provocation, the petition expressed the colonists' loyalty to the Crown and their desire to avoid further conflict. In fact, even the opening lines of the petition reflect these colonists' sentiments. It starts "We your Majesty's faithful subjects. . . entreat your Majesty's gracious attention to this our humble petition." The colonists identified themselves as loyal subjects and approached the King with utmost deference and humility.

They proceeded to put the fault of their conflict on the King's ministers and Parliament instead of the King himself, and asked him deferentially to help them resolve the conflict. This careful distinction preserved the possibility of constitutional resolution by attributing overreach to ministerial and parliamentary action while maintaining respect for royal authority—offering the King a path to resolve the crisis while preserving his dignity. They defended their actions in a roundabout way, stating "Your Majesty's ministers persevering in their measures and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence." This language proves several critical constitutional points: that ministerial actions and hostile measures came first, that hostilities were initiated by the British government to enforce disputed policies, and that colonial military action was purely defensive and compelled by necessity rather than aggressive and chosen.

The petition later proceeded to "beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief. . . and to settle peace through every part of your dominions, with all humility submitting to your Majesty's wise consideration." The depth of deference and humility in this language "beseech," "graciously interposed," "procure us relief," "settle peace," "with all humility submitting to your Majesty's wise consideration" demonstrates beyond any reasonable dispute the colonists' genuine and sincere desire for peaceful resolution. They did not seek independence at this juncture but sought only recognition of their rights as

British subjects and relief from unconstitutional oppression.

These attempts at reconciliation in 1775, from Burke's appeal to the colonists' petition, demonstrate that a peaceful solution was sought by both sides. However, the moment for such reconciliation had already passed, and hostility had progressed too far to bridge the divide between the colonies and Great Britain. Yet this conclusion understates the critical reality: reconciliation failed not because both sides proved equally intransigent or because the moment had simply "passed," but because the British government actively rejected even the most humble and deferential colonial petitions. King George III refused to receive the Olive Branch Petition, responding instead with a Proclamation of Rebellion and escalated military action against the colonies.

This rejection vindicated every Patriot claim about British intentions. It proved that peaceful petitioning would not receive fair consideration, demonstrated that the colonists' constitutional grievances would not be addressed through established channels, it revealed that Britain viewed even the most respectful requests for redress as rebellion worthy of military suppression, and showed that the British government preferred military subjugation to constitutional accommodation. The colonists had identified themselves as "your Majesty's faithful subjects," had explained they were "compelled" to arm "in our own defence," had sought relief "with all

humility," and had proposed reconciliation "by removing the Ground of the difference, and by restoring the former unsuspecting confidence of the Colonies in the Mother Country." All of this was rejected. When even the most deferential petition, especially written after bloodshed had already occurred, receives only contempt and is answered with declarations of rebellion and intensified military force, peaceful constitutional redress becomes impossible. When a government refuses dialogue and chooses instead to silence through arms "the rightful demands of its own subjects," resistance becomes not merely justified but necessary for the preservation of liberty itself.

CONCLUSION

Thus, having exhausted every avenue of reconciliation and having witnessed the systematic dismantling of our natural liberties by a distant Crown that answers petition with punishment and reason with force, we arrive at an inescapable truth: the separation of these thirteen colonies from British dominion is not merely justified, but stands as the only course remaining to secure those inalienable rights bestowed by the Creator upon all humankind.

The Parliament in London has demonstrated through its own actions that no genuine representation exists for American interests within its halls. The transgressions are numerous: the Stamp Act, which taxed our very documents and correspondence without consent, to the Tea Act, which granted monopolistic privilege to a favored company while denying colonists fair commerce, and finally to the Intolerable Acts, which closed our ports, dissolved our assemblies, and quartered soldiers in our homes. Where colonial society once exercised its rightful autonomy, we now face only coercion; where peaceful demonstrations and earnest appeals once sought reform, we now encounter only indifference, contempt, and military response.

We acknowledge that voices have risen on both sides of this great question. Writings in support of independence have eloquently articulated the natural right of a people to govern themselves and to cast off

tyranny when it becomes destructive of their liberties. Loyalist writings in opposition have counseled patience, warned of the dangers of separation, and called for continued allegiance to the Crown. Yet even our most sincere attempts at reconciliation, such as the Olive Branch petition, have been spurned with disdain.

Therefore, having been denied our capacity for self-determination and having seen our repeated grievances dismissed as sedition, we declare that a formal Declaration of Independence should be adopted without delay. This is no longer a distant ideal but a vital necessity. It is the sole means by which to safeguard the fundamental freedoms and prosperity of all who dwell within these colonies, now and for generations yet unborn. The path forward, though born of necessity rather than choice, stands clear before us: a new nation, independent and self-governing, founded upon those principles of natural liberty that no earthly power may rightfully deny.

Respectfully submitted,

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