4bv No. 74-1776

In the

Continental Congress of the United States

PATRIOTS,

Petitioners,

v.

LOYALISTS,

Respondents.

BRIEF FOR PETITIONERS

ANGELINA HENSLEY
24357
Creekview High school
3201 Old Denton Rd
Carrollton, TX 75007

EMMA FAVELA
Counsel of Record
24357
Creekview High school
3201 Old Denton Rd
Carrollton, TX 75007

1/21/2026

QUESTIONS PRESENTED

Should the United Colonies declare independence from Great Britain?

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September 9, 1774 - Heads of Grievances and Rights, Continental Congress

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March 23, 1775 - Give Me Liberty or Give Me Death, Patrick Henry

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SUMMARY OF ARGUMENT

In examining the right of self-governance, it is necessary to consider the nature of liberty and what it entails. Liberty consists of the right to choose freely, to represent oneself, and to speak without fear of judgment or disregard. Liberty is also associated with a self-governing nation—one that is neither tyrannical nor disorderly. Such a nation does not enact punitive measures that erode relationships and trust, nor does it drive its people to extremes that compel them to seek independence.

ARGUMENT

I. British Taxation and Punitive Acts Destroyed Colonial Rights and Trust

When discussing the meaning of colonial trust, one must first confront the principles upon which it rests and what truly creates its meaning: fairness, liberty, and the inherent rights of the people. For the colonists who ventured from New England, trust was not a mere concept but a promise between two parties that had to be upheld. It was believed that, although miles away from the Crown, rights would be preserved, voices

respected, and actions judged through fair and accountable governance..

Colonial trust, at its core, reflects the most basic expectation of the meaning of liberty, that individuals are entitled to the protection of their natural rights and the opportunity to participate in the systems that govern their lives. From the earliest settlements, colonists have already adopted traditions of self-government, such as town meetings and mutual accountability. These practices were not acts of rebellion or signs of wanting to separate, but rather expressions of responsibility, proof that the colonists were capable of governing themselves with order.

Thus, when trust between Great Britain and the colonies began to erode, it was not due to sudden defiance, but to the steady violation of this foundational understanding. The colonists did not seek independence out of impatience, but out of necessity. When a promise of fair governance was replaced by distant authority that was ignorant and power hungry, with unrepresented legislation, and disregard for colonial autonomy, it would only make sense for the only option to be true separation. In this way, self-government emerged not as a radical departure, but as the natural fulfillment of the liberties the colonists had long believed were rightfully theirs.

However, we must also look at the events that led to the decision of separation, to fully understand what such punitive acts can do to destroy trust.

A.

B. The Stamp Act marked the beginning of the violation of natural rights.

It all began with debt. Like many turning points in history, financial pressure often serves as the push for drastic decisions. The Stamp Act of 1765 marked the beginning of such decisions by the British Crown. In March of that year, the British Parliament passed the Stamp Act in an effort to pay for British troops stationed in the American colonies following the Seven Years' War, as well as to pay other debts accumulated largely through Britain's own actions. The Act itself stated that its purpose was "defraying the expenses of defending, protecting, and securing" the colonies; however, these expenses served the interests of the Crown rather than the colonists, despite the fact that the tax directly targeted colonial society and had no inherent effect on any other party.

To fully understand the hatred behind the Stamp Act, one must examine not only what it meant, but how it was enacted. The Act states that it was passed "by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same." This language makes clear that the legislation was enacted without any form of colonial representation or consent. Rather than reflecting the will or interests of the colonists, the Act was imposed solely through royal authority

and parliamentary approval which is simply mere approval that effectively served as an extension of the Crown's power. Such imposition represented a direct violation of the colonists' understanding of fair governance and self-rule.

Concerns regarding this lack of representation were clearly stated in colonial writings, most notably in Patrick Henry's Virginia Resolves on the Stamp Act. In these resolves, Henry asserted that "the Colony have the only and sole exclusive Right and Power to lay Taxes and Impositions upon the Inhabitants of this Colony" emphasizing that taxation must be imposed only by those who directly represent the people affected by it. Despite these objections, Patrick Henry's warnings were disregarded, and the Stamp Act continued to be enforced without any acknowledgment of colonial voices beyond that of the Crown.

This disregard is further reflected in the Resolutions of the Continental Congress of October 19, 1765, which emphasized that such taxation violated the fundamental rights of Englishmen. It stated, "That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives." Because this principle was entirely ignored in the enactment of the Stamp Act, the legislation stands

as clear evidence of Parliament's willingness to dismiss colonial natural rights, particularly the rights to representation and self-governance.

When examining the substance of the Act itself, its intent becomes unmistakable. The Act declared that "from and after the first day of November, one thousand seven hundred and sixty five, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors," a tax that compelled colonists, through unrepresented means, to financially support the Crown. The scope of the taxation was extensive. For example, the Act imposed a stamp duty of ten pounds "for every skin or piece of vellum or parchment, or sheet or piece of paper" used for legal documents such as licenses, court appointments, or notarized materials. In effect, nearly all official and legal documents were subject to taxation.

The burden did not stop with legal papers. The Act extended to licenses for retailing wine, bonds, deeds, mortgages, letters of attorney, and other obligatory instruments that are considered to be essential to commerce. It even went so far as to impose taxes on every pack of playing cards and all dice. These measures ensured that nearly every colonist, regardless of status, would be affected by the tax.

In response to these violations, Samuel Adams articulated a broader philosophical condemnation of the Stamp Act in The Rights of the Colonists (November 20, 1772), reaffirming the concept of natural rights. Adams wrote, "The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man; but only to have the law of nature for his rule." This statement underscores the belief that the Stamp Act was not merely an economic burden, but a fundamental attack on the colonists' natural liberties.

Thus, the Stamp Act cannot be viewed solely as an unpopular tax. Rather, it represented a deliberate test by the British Crown to determine how far it could push colonial obedience while disregarding colonial rights and self-governance. The Act served as an early warning of the Crown's willingness to erode the natural rights of the colonists and foreshadowed further encroachments. In essence, the Stamp Act marked the beginning of the destruction of colonial trust and the eroding of the political relationship between Great Britain and its American colonies.

C. The Tea Act further eroded colonial trust

The Stamp Act was not merely the only punitive act enacted by the crown that was enacted through a drastic decision. The Tea Act further exposed Parliament's continued disregard for colonial consent and property rights. According to *The Statutes Project*, the Tea Act was enacted as "An act to allow

a drawback of the duties of customs on the exportation of tea to any of his majesty's colonies or plantations in America; to increase the deposit on bohea tea to be sold at the India Company's sales; and to empower the commissioners of the treasury to grant licenses to the East India Company to export tea duty free." In response to this act, the colonies began to spread awareness of colonial resistance toward the taxation and distribution of tea. The Committee of Correspondence addressed these concerns in The Philadelphia Resolutions on October 16, 1773, which stated, "That the disposal of their own property is the inherent right of freemen; that there can be no property in that which another can, of right, take from us without our consent; that the claim of Parliament to tax America is, in other words, a claim of right to levy contributions on us at pleasure."Essentially, this document underscored the growing spirit of colonial resistance and emphasized the necessity of opposing Parliament's actions, declaring that "it is the duty of every American to oppose this attempt." This call to action reflected the colonies' belief that resistance was not merely justified, but required in defense of their rights. Additionally, John Adams recorded his reaction in his diary on December 17, 1773, immediately following the Boston Tea Party, which occurred in direct response to the Tea Act.In response to the Tea Act, John Adams recorded his reaction in his diary on December 17, 1773, writing, "Last night three cargoes of Bohea tea were emptied into the sea. This morning a man-of-war sails. This is the most magnificent movement of all. There is a dignity, a majesty, a sublimity in this last effort of the patriots that I greatly admire. The people should never rise without doing something to be remembered—something notable and striking. This destruction of the tea is so bold, so daring, so firm, intrepid, and inflexible, and it must have consequences so important and lasting that it cannot but be considered an epoch in

history." Adams further acknowledged that some colonists expressed doubt regarding the destruction of the tea; however, he ultimately affirmed that the act was necessary to demonstrate unified resistance, particularly given that the tea could not simply be returned.the actions of the Committee of Correspondence and the broader colonial population reflected widespread frustration and anger toward British policy. This response fueled increased resistance and rebellion, prompting organized meetings and coordinated action to address the perceived unfairness and mistreatment imposed by Parliament

II. Colonial Unity, Enlightenment Ideals, and Failed Reconciliation Made Independence Inevitable

A. The Continental congress and Committee of correspondence demonstrated a strong joint self governing community.

The colony's development into unity in response to British oppression demonstrates joint resistance, cooperation, and unity. Through unified responses, political coordination and action the colonies have proven to be capable of a strong self governing nation separate from Great Britain. Thus has not been solely established in only assemblies,protest and in writings however in the continental congress and the committee of correspondence.

The committee of correspondence was developed for local and colonial groups to discuss and

share information. Colonists used the committee of correspondence to specifically discuss British actions and colonial responses and to discuss colonial resistance responses. Another prime example of colonial unity is the continental congress. The continental congress has played a major role in the fight for separation from Great Britain as the committee consisted of representatives from the 13 colonies that regulate as a governing body and to establish responses to great british constant increase of resistance. Thus has been shown in the resolution of the Continental Congress in response to the Stamp Act also known as "The stamp act congress" on October 19, 1765. The stamp act was enacted as a form to decrease the debt built up in Great Britain after the French and Indian war. This act was passed by parliament without the colonies knowing in which enforced the colonies to pay this tax that was in the form of a stamp, and was on almost every type of paper stemming from licenses and notarized papers to mere stacks of playing cards and dice**.** Many colonists were angered as this tax mainly harmed the colonists and the colonists did not get the chance of fair representation in British courts. The continental congress responded in writing "That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain, That the only representatives of the people of these colonies, are persons chosen therein by themselves, and that no

taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures." The continental congress felt betrayal and anger. The congress addressed the importance of the colonists having basic rights and representation. This led to Samuel Adams discussing "The rights of the colonist"In the Boston committee of correspondence which wrote [A]mong the Natural Rights of the Colonists are these First. a Right to Life; Secondly to Liberty; thirdly to Property; together with the Right to support and defend them in the best manner they can--Those are evident Branches of, rather than deductions from the Duty of Self Preservation, commonly called the first Law of Nature– All Men have a Right to remain in a State of Nature as long as they please: And in case of intolerable Oppression, Civil or Religious, to leave the Society they belong to, and enter into another.Thirdly, The supreme power cannot Justly take from any man, any part of his property without his consent, in person or by his Representative.-- These are some of the first principles of natural law & Justice, and the great Barriers of all free states, and of the British Constitution in particular. It is utterly irreconcilable to these principles, and to many other fundamental maxims of the common law, common sense and reason, that a British house of commons, should have a right, at pleasure, to give and grant the property of the Colonists. That these Colonists are well entitled to all the essential rights, liberties and privileges of men and freemen, born in Britain, is manifest, not only from the Colony charter, in general, but acts of the British Parliament." This document established

basic rights that colonists began to acknowledge as their "god given rights" as British subjects.

Furthermore, in "Resolutions of the Massachusetts House of Representatives Agreeing to the Virginia Proposal; May 28, 1773" wrote [R]esolved, that a standing committee of correspondence and enquiry be appointed, to consist of fifteen members, any eight of whom to be a quorum; whose business it shall be to obtain the most early and authentic intelligence of all such Acts and resolutions of the British Parliament, or proceedings of administration as may relate to, or affect the British colonies in America, and to keep up and maintain a correspondence and communication with our sister colonies, respecting these important considerations: and the result of such their proceedings, from time to time, to lay before the House."

The colonies have proven communication and independent establishments of small governments that are able to function and make decisions together without the help of Britain. As the colonists began to fight for natural rights, the British kept reinforcing severe punishments and laws that restricted necessary needs for colonists.The colonies were left to work together in these committees to discuss their responses. As seen in the "Circular letter of the boston committee of correspondence" on May 13,1774. Which established " The Parliament have taken upon them, from the representations of our governor and other persons inimical to and deeply prejudiced against the inhabitants, to try, condemn, and by an Act to punish them, unheard; which would have been

in violation of natural justice even if they had an acknowledged jurisdiction." In relation to the Tea act and the Boston port act passed by parliament, the colonists dumped multiple containers of tea into the sea which resulted in parliament passing the Boston port act which restricted anyone leaving and coming in (including trade) until the debt made from the Boston tea party was paid off. The Boston committee of correspondence continued to try to work with parliament and the King as they pled "The single question then is, whether you consider Boston as now suffering in the common cause, and sensibly feel and resent the injury and affront offered to here If you do (and we cannot believe otherwise), may we not from your approbation of our former conduct in defense of American liberty, rely on your suspending your trade with Great Britain at least, which it is acknowledged, will be a great but necessary sacrifice to the cause of liberty and will effectually defeat the design of this act of revenge. If this should be done, you will please to consider it will be, though a voluntary suffering, greatly short of what we are called to endure under the immediate hand of tyranny." This response was also in relation to the intolerable act which closed the Boston port, along with the Massachusetts act which reconstructed the government and allowed rolyol to appoint more power. Lastly, the quartering act took away the colonies privacy and forced the colonists to house British soldiers.

Ultimately, this colonial unity shed light to the development of independence as discussed in The Mecklenburgh Resolution(1); May 20, 1775 Abrham Alexander, Chairman and John Mcknitt Alexander,

Secretary wrote that Great Britain is an enemy to America, "That we do hereby declare ourselves a free and independent people; are and of right ought to be a sovereign and self governing association" According to the Heads of grievances and Rights John Adams and the continental congress addressed "That the power of making Laws for ordering or regulating the internal Polity of these Colonies is, within the Limits of each colony, respectively and exclusively vested in the provincial legislature of such colony:And that all statutes for ordering or regulating the internal polity of the said colonies or any of them, in any Case whatsoever, are illegal and void" Ultimately, the continental congress shifts towards awareness of unconstitutionality and unfairness in policy to America declaring its separation of great britain and awareness that separation is essential in this situation. John Adams essentially highlighted the importance of compromising and political unity between the colonies. Which led to a shift between the colonies in working together against Great Britain. The colonial unity and the cooperation demonstrated the ability needed to function as an independent government.

B The patriot writings have demonstrated the necessity for independence and a self governing nation.

The patriot writings have been an essential part of the development for an independent nation. Many of these writings included enlightenment ideas that shed light to the harsh abuse that Great Britain has conducted

on the colonies and the importance of fighting for natural rights.

During the years numerous documents and pamphlets preaching patriot ideals were created and given out spreading the word of liberty. One notable pamphlet written by a patriot John Adams titled The Bill of Rights; a List of Grievances, written in 1774 created the basis of such pamphlets creation where John adams lists numerous events that occurred between the colonists and Britain such as Acts that were enacted titled An act to discontinue…the landing and shipping of goods at the town and harbour of Boston," "An act for the better regulating the government of Massachusetts-Bay," and "An act for the impartial administration of justice…in the province of Massachusetts-Bay," along with another statute "for making more effectual provision for the government of Quebec." These three acts were merely some items listed by him, as he also references the fact that that by force by the enforcement of of king Henry the eighth, colonists may be transported to England, and tried there upon accusations for treasons, and misprisions, or concealments of treasons committed in the colonies; and by a late statute, such trials have been directed in cases therein where within these trials the listed rights he mentions within the document are not followed. Within the document he describes them as dangerously destructive of American rights and urges the fact that if this continues, in his words, " Americans cannot submit" the basis of this fact of independence. This document had such an impact on colonists it inspired other notable writings for patriots and independence.

Other notable writings such as “The Rights of the colonist”- November 20, 1772 which established that "Among the Natural rights of the colonist are these first, a right to life;secondly to liberty; thirdly to property” This document influenced the essential rights to colonist and man which every person should have. More specifically it highlighted the rights that Great Britain was refusing to acknowledge and the mistreatment that has been endured by colonists. This pamphlet was highly recognized among colonists and shaped the declaration of independence for colonists.

Additionally, Patrick Henry’s “Give me liberty or Give me Death” Used inspirational and dramatic defense in addressing the violation of human rights along with expressing the importance of unity and preparation for war. This document was a turning point for Virginia as it shifted many Virginian's opinions and point of views towards patriots. This document highlighted the importance to fight back for not only the colonies but for their lives and future. Many of these writings were formal and specialized for governments and citizens, however Thomas Painse “Common sense” was a pamphlet that stood out to many colonist as it was written in an informal structure and writing with the idea to inform all colonist about the dangers great britain has conducted towards the colonies. This pamphlet was to address all colonists on a level of universal understanding and to gain support. This ultimately shifted many loyalists to patriotism as many began to see how important independence and natural rights are, therefore when the government violates them revolution is necessary.

CONCLUSION

In conclusion, the united colonies should declare independence from Great Britain. The colonies have demonstrated a strong self governing nation and the indispensability for separation after the clear violation of natural human rights. It is the colonist natural right to gain independence as Samuel adams writes in"The rights of colonist" that {A}ll men have a right to remain in a state of nature as long as they please: And in case of intolerable Oppression, civil or religious to leave the society they belong to, and enter into another-" Colonist have endured British harsh taxation and acts that have destroyed their well being and trust.

The continental congress and committee of correspondence has demonstrated joint leadership among colonies as they have worked restlessly to fight back against unfair policies passed by parliament and the lack of representations for colonists. Patriot writings and ideals have aligned with John Locke's Second treatise of government which establishes when it is crucial for separation of a motherland when the

government has been [e]xceeding the bounds of authority is no more a right in a great, than in a petty officer; no more justifiable in a king than constable" The king and his officers have gone far beyond its power and has neglected and "abandon his charge" [b]y this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people who have a right to resume their original liberty"

Therefore the colonies have been left with no choice, freedom is a neccesity and it's a crucial time to act. The constant oppression presented in the stamp act, intolerable acts have demonstrated enough neglect and harm. The colonies need to be separated from Great Britain and now is the time to act.

Respectfully submitted,

ANGELINA HENSLEY
24357
Creekview High school
3201 Old Denton Rd
Carrollton, TX 75007

EMMA FAVELA
Counsel of Record
24357
Creekview High school
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