

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 British Parliament has enacted a tyrannical rule upon these United Colonies. The Crown has sanctioned the abandonment of principles inherent in the Natural Law and English Constitution. The Crown has allowed Parliament to destroy government and civil society, ravage and murder the cities of these United Colonies by the use of an armed militia, and ignoring the humble pleas of the Colonies.

Sanctioned by the Crown, the Parliament has abused the nature of government and prevented its truths. Among these truths are that government is established for the protection of property and the state of peace; that a free people cannot be taxed without representation in government; that a people born free ought to be free, and if a government attempts to trample freedom, then the people's indispensable obligation is to demolish such tyranny and form government anew.

The time to act is upon these Colonies, and the duty of this Congress is to strengthen its resolve and become free or cower into thralldom under the Crown.

Under the principles above, to fight absolute tyranny, protect the ends of government, and maintain human freedom, this Congress must pass and publish the Declaration of Independence.

ARGUMENT

I. The applicable precedent for the case before this Congress has its root in the natural privileges of the American Colonists under God and Country

When one political body assumes absolute power over another without evidence or regard for the truth of its claims, or a jurisdictional authority to do so; when the nature of legislative reason is replaced with the musings of the sword; and when a body of men supposed to serve as representatives assume that justice is the advantage of the stronger; those under oppression must examine the causes of such violation and chart a course forward towards the isle of liberty.

A. The examination of Natural Law brings forth the legal basis for the action

1. The Tyranny Test

This Congress should adopt John Locke's bifurcated standard of tyranny, known in this document as the Tyranny Test, to evaluate the conduct of the English King. This standard is based on Locke's commentary on tyrannical systems, observing that in these systems: (1) power exercised by the sovereign is unjust: "Tyranny is the exercise of power beyond right, which nobody can have a right to;" and (2) this use is for

selfish gain instead of societal interest: “When the governor, however entitled, makes not the law, but his will, the rule; and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.” *John Locke (1690), Second Treatise of Government § 199.*

2. The purpose of government

The government is created by the people to maintain a state of peace for the protection of their property. *Id § 222.* As such, the power of government is rooted in the people, and the perfect government is inclined to serve the needs of the people while behaving in a just fashion with appropriate measures to prevent tyranny. However, when governments are realized, they incline towards tyranny as a rule of nature. When mortal men are in control, “even in its best state [Government] is but a necessary evil; in its worst state an intolerable one. *Thomas Paine (January 10th, 1776), Common Sense.* The purpose then is the minimization of evil of government while maintaining peace “with the least expense and the most benefit.” *Id.*

3. Tyrannical government's forfeiture of power

When tyranny corrupts a government and rots it from within, the government forfeits its authority and power from the people; “upon the forfeiture... [power] reverts to the society, and the people have a right to act as supreme, and continue the legislative themselves; or erect a new form, or under the old form place it in new hands, as they think good.” *Second Treatise of Government § 243*. At this moment as the people regain their power, society creates a new government with the purpose of maintaining the state of peace and protection of property.

B. The American Colonists inherited Constitutional Rights as Englishmen in America

1. Colonists maintain Constitutional Rights

The American Colonists in all regards are entitled to their rights as Englishmen in equivalence to the rights given to their forefathers. The rights that the Colonists are entitled to include but are not limited to, representation in Parliament , trial by their peers, and a right to subsequently peacefully protest an encroachment of the rights promised in the English Constitution. *The First Continental Congress (October 14th, 1774), The Bill of Rights; a List of Grievances § 2*.

In the *Bill of Rights*, the First Continental Congress

recognized that the rights given to subjects of the Crown are those entitled in the English Constitution: "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." *Id* § 3. As such the realm of citizens and subjects become synonymous. The English refer to the Colonists as subjects—who are entitled to the rights of the constitution—yet negates the Colonists' outcry for actual representation in Parliament with taxation or independence from taxation without representation in Parliament.

At no point since the Colonists' immigration from England has there been an indication of the loss of their Constitutional Rights. The English Crown and Parliament cannot act in such a way that insinuates a loss of such Constitutional Protections only when such protections are inconvenient for their own ends. Therefore the Colonists are entitled to the rights promised to their forefathers, as Englishmen under the Constitution.

2. The purpose of taxation

To ensure that laws that are being passed are in the Colonists' interests, Colonists as Englishmen retain the right of representation under the English Constitution.

Due to the geographic distance of America from the Parliament in London, they are unable to attain a representative in Parliament as issues occurring in the Colonies would not have time to be conveyed, nor is there an elected official for the Colonists as a whole. The issues of distance and representation are solved by each Colony having its own government that can represent their needs and maintain peace and order in the Colonies, under the Mother Country's guild, with enough statutory independence to govern through the challenges of life.

At its heart, taxation exists so that the government can get revenue to further serve the people it represents. Parliament is unable to serve these Colonies with the taxes it gathers as it is unable to address the Colonies needs with such taxes. Parliament does not have the authority to tax the Colonists who maintain the rights of Englishmen, when they have no representation in that house of government.

3. Addressing virtual representation

The English Loyalists have presented arguments against the Colonies' need for actual representation; these should be rejected for their inherent fallacies. In *Taxation No Tyranny*, Sammuel Johnson argues on the side of virtual representation, claiming that it is sufficient for the Colonists representation in Parliament: "It must always be remembered that they are

represented by the same virtual representation as the greater part of Englishmen; and that if by change of place they have less share in the Legislature than is proportionate to their opulence, they by their removal gained that opulence, and had originally and have now their choice of a vote at home, or riches at a distance.” *Samuel Johnson (1775), Taxation No Tyranny § 223.*

In addressing Johnson's first claim that Colonists are represented the same as a greater part of Englishmen, this is illusory. Unlike the men who reside in England, the Colonists possess a unique position, that of being thousands of people collectively living an ocean away. For the Parliament, a committee of interest so far removed from the Colonists' needs, to attempt to address such needs would be unavailing and certainly be no representation at all.

In regards to Johnson's second claim, that allowing representation to occur in local governments in the Colonies would be disadvantageous to them, such a notion is untrue. Local governments are far more advantageous for the Colonies as they can deal with specific issues that arise in a quicker time frame.

The American Colonies are not disillusioned with their situation, their liberties are being stripped away and the

arguments advanced by the loyalists for virtual representation are flawed excuses at best.

II. A factual analysis reveals that the Crown has assumed tyrannical government over these Colonies

To understand the Tyranny Test violations by the Crown against these Colonies, it is essential to consider the factual record. England has violated the Tyranny Test in three areas: its unjust assumption of power in the realms of taxation, the subjugation of the Colonies by forcing them to rely on a government unable to deal with Colonial burdens, and the military enforcement of these tyrannical acts.

A. England's unjust assumption of powers regarding taxation is manifest when considering acts on goods and the closure of Boston's harbor

1. The tyranny of the Stamp Act

England has assumed unjust powers by imposing a regime of taxation that funds English interests at the expense of Colonial interests without consultation with the duly elected governments of these Colonies. This is in stark violation of the longstanding Constitutional principle that taxation must come with actual representation in Parliament.

The first tyrannical law is the Stamp Act. In 1765,

Parliament passed the Stamp Act which required each piece of paper, vellum, or parchment to have a stamp coinciding with a high tax enforced by an authority that can “appoint a fit person or persons to attend in every court of publick office within the said colonies and plantations.” *Gr. Br. Parliament (March 22nd, 1765) The Stamp Act § XIII*. This Act passes the aforementioned Tyranny Test. The first prong is met because the conduct is unjust by nature; in accordance with the well-known principle of the body, Parliament does not have the authority to tax the Colonists in America as they have no representation in that house of government. The second prong is also met because the use of this power is for the gain of the Parliament without regard for the interests of the Colonists in America. The Act makes clear that its purpose is “defraying the expences of defending, protecting, and securing [America].” *Id § Preamble*. The Parliament had no regard for the suffering of the American Colonials, and in this lack of care, the Parliament sparked righteous outrage at the state of affairs that the Act provoked.

2. **The Faustian bargain of the Tea Act.**

The Tea Act made tea from the East India Company sell at a cheaper rate than any other competitor on the market due to the reduction of duties and taxes from the Company’s tea. *Gr.*

Br. Parliament (May 10th, 1773), The Tea Act § Preamble. The Act was only applicable if the tea had “be[en] exported from this kingdom, as merchandise, to any of the British colonies or plantations in America, [and was] to extend to the whole of the said duties of customs payable upon the importation of such teas.” *Id.* In this way for economic reasons, the Tea Act forced all tea to come through England before going to the Americas or to risk coming to America without being bought. *Id.*

The Act appears at first to make tea cheaper, but there is a far larger cost associated with accepting it. Previous legislation added a tax to all tea exported from England. This would allow the English Parliament to tax the American Colonists without granting them actual representation in government. The cost of the tea was the Colonies’ freedom to regulate their taxes and duties.

The Colonists understood that accepting East India Tea was a Faustian bargain that would by economic means signal their rejection of the former contractual government agreement with England; they understood that England was attempting to inflict previous taxation upon subjects of the Crown with the liberty to tax themselves.

In a portrayal of physical contractual rejection, a party of individuals chose, of their private violation, to commit a crime

with *mens rea*, throwing the East India Company's tea into the Boston Harbour. The destruction of property, known as the Boston Tea Party, signaled to the British that these Colonial Englishmen did not accept the proposal to change the form of government in the Americas from one of representative government to one of men under a King with absolute power. These men by violent and illegal action expressed what had previously been expressed in writing in the form of substantial destruction of property. This crime was committed by a group of men and not by the governments of the men in America.

3. **The Boston Port Act's destruction of the collective economy for the sins of the few**

In response to the party of Bostonian men's crime, the Crown assumed the power to ruin all of Boston's economy by "discontinu[ing] the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America." *Gr. Br. Parliament (March 31st, 1774) The Boston Port Act § I*. This absolute ban lasts until determined by the agents of the Parliament "full satisfaction hath been made by or on behalf of the inhabitants of the said town of Boston to the united company of merchants of England trading to the East Indies, for the damage sustained by the said company by

the destruction of their goods sent to the said town of Boston, on board certain ships or vessels.” *Id* § X.

Such brazen tyranny was never seen before by the Colonies. Instead of punishing the group of private individuals who chose to commit a crime, the Parliament chose to circumvent justice and punish the whole of Boston, for the sins of a few men who threw tea into the harbor. In the words of the Virginia House of Burgesses, to hold the Harbor of Boston hostage until “the people there submit to the payment of such unconstitutional taxes, and which [A]ct most violently and arbitrarily deprives them of their property... [is] a most dangerous attempt to destroy the constitutional liberty and rights of all North America.” *An Association, signed by 89 members of the late House of Burgesses (May 27th, 1774)*.

B. The Crown has assumed the power to ruin our duly elected civil society by forcing us to rely on a deficient and nepotistic patronage system of government

1. The Destruction of Boston Government Act

In continuation of the tyrannical structure, England passed the Massachusetts Government Act which stripped the Colony of its government’s autonomy. In that Act, the British Parliament wrote without regard for its actions that it was punishing the many for the actions of a few: “And it hath

accordingly happened that an open resistance to the execution of the laws hath actually taken place in the town of Boston.” *Gr. Br. Parliament (May 20th, 1774), The Massachusetts Government Act § 1*. Such blatant admittal of *mens rea* is evidence that the Parliament would rather initiate a military takeover of a Colony instead of granting Englishmen their rights under God and country. England refers to the Bostonians' rightful protest as “resistance” in order to radicalize the Colonists, insinuating that these Englishmen are delaying a just enactment. *Id.*

The English punished the Colonies unduly as the Massachusetts Government Act removed the current elected officials in Massachusetts and forced the new officials to be chosen by the King. The Parliament took offense to the nature of government in human society when it gutted the voice of the Colonists in its entirety. Thus the English are punishing the Bostonian Colonists for advocating for their right to government by removing their autonomy and power.

The Act passes the Tyranny Test as first the Act is unjust because Parliament created it to suppress the Colonists' protests, and second, the Act serves no benefit to the subjects within the Colonies and in fact harms the nature of government and replaces effective government with a nepotistic one.

This Act makes the process of the local government slow and inefficient and in turn invites chaos as these neophyte political leaders come to Boston. These political leaders do not understand her people, nor her social status, nor her wrecked economy; they find themselves a herd of heifers stuck in Boston Harbor.

There was no guarantee that the English government would stop at that moment. If the reaction of the English government was to squander the voices of her people when they stood to be heard, then all Colonial cities, governments, and tranquilities are in peril. These United Colonies stood with Boston to protect their rights as Englishmen.

2. The Circumvention of Justice Act

It was not enough for the Parliament to have overthrown the local Government of Boston, but simultaneously they corrupted the citizens' safeguard from the evils of the government with the Administration of Justice Act. The Administration of Justice Act allowed guilty British Officials to be tried at a location different to where they were accused in order to circumvent the safeguards of the jury trial. *Gr. Br. Parliament (May 20th, 1774), The Administration of Justice Act § I.* The Act stated that when there was a determination by a British official that “an indifferent trial cannot be had within

said district, in that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct... that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in Great Britain.” *Id.*

This opened the doors for officials to get away with “murder, or other capital offense[s]” by conducting trials in locations where the jury is favored against the Colonists. *Id.* A jury that is a colony away has a completely different understanding of the reality of a particular crime, and a jury across the Atlantic has no real bearing on the facts or details of a particular crime. While it is not the position of the Patriots that bias should occur in trials, bias is certainly not what the government was trying to prevent. The justice system maintained systems to ensure that jurors were not biased. It is certain that out of an entire Colonial city, all potential jurors do not meet the standard for bias. In simple terms, the British Government does not want a Colonist to devise their own opinion on what occurred involving another Colonist, in fear that officials may be held accountable for their crimes.

In regard to the Tyranny Test, this Act is first unjust in that it is similar to the Government Act because it was implemented in the Colonies in response to rightful protests. Second, such a law has no benefit for the people as it serves the

British Government; the Colonists no longer are guaranteed a judicial setting that works to find justice but instead to exonerate the guilty.

C. The Crown has created violence during times of peace at the expense of these Colonies

The Colonies have sustained an era of peace, yet the English have decided that the appropriate reaction to the protest of a few Colonists is to have the entirety of the Colonies house an armed militia during peacetime. This course of action by the English government is entirely tyrannical, as it attempts to solve rightful protest with armed soldiers.

The Quartering Act itself subjected citizens of the American Colonies to provide living quarters to English soldiers. *Gr. Br. Parliament (June 2nd, 1774), The Quartering Act*. Further the Colonists were forced to provide supplies to the soldiers creating a financial burden on the Colonists. This set forth a time of military occupation in the Colonies, armed forces who did not reside to protect the Colonists from any threat but to threaten the Colonists themselves.

Placing a military somewhere without violence invites chaos and in turn incites violence. With time this violence was actualized in the Boston Massacre, a senseless killing of civilians by English soldiers.

In his poem “The Bloody Massacre,” Paul Revere wrote of the devastation placed upon the Colonies: “Unhappy Boston! see thy Sons deplore / Thy hallow’d walks besmeared with guiltless gore” and “The patriot’s copious tears for each are shed. A glorious tribute which embalms the dead.” *Paul Revere, (March 1772), The Bloody Massacre.*

The Quartering Act served as a threat to the Colonists which benefited the government in false reassurance. The government decided that instead of answering the protests of the Colonists, they ought to raise a military force on the Colonies. The Quartering Act created an inherent danger to the Colonists; it was placed to threaten the Colonists from realizing their rights that were granted by the English constitution. For these reasons the Quartering Act passed both the first and second prongs for tyranny because the assumption of the power to quarter soldiers is unjust by Parliament and this assumption is for primarily self-interested reasons.

In the words of the First Continental Congress, “That the raising or keeping a standing army within these Colonies, in Time of Peace, unless it be with the Consent of the provincial Legislatures, is illegal, pernicious, and dangerous. And, that every Statute for quartering or supplying Troops within the said Colonies, is illegal and void.” *The First Continental Congress*

(September 9th, 1774), Heads of Grievances and Rights.

III. Having exhausted all options for reconciliation, this Continental Congress must declare these United Colonies free and independent from tyranny

A. This Continental Congress has submitted humble petitions to the King asking for reconciliation

The present conflict which These United Colonies have found themselves enmeshed in was wholly preventable by the Crown.

At the start of 1775, it appeared as if the English government in America was willing to make peace. On January 13th, Colonial Governor of New Jersey William Franklin addressed the New Jersey Provincial Assembly stating that “two roads [are before you].” The road of loyalty to the Crown is “evidently leading to Peace, Happiness[,] and a Restoration of the public Tranquility;” while the other road will lead to “Anarchy, Misery, and all the Horrors of a Civil War.” *Governor William Franklin to the New Jersey General Assembly (January 13th, 1775)*. The Governor proclaimed that the English Constitution must be upheld and that “every breach... whether it proceeds from the Crown or the People, is... equally destructive to the Rights of both” *Id.*

Even in the English Parliament, there were calls for peace and reconciliation. In late March, a member of the House of Commons, Edmund Burke, gave a speech on how important the recognition of the policy of representation is. He said that he is “not even obliged to go to the rich treasury of the fertile framers of imaginary common wealths; not to the Republic of Plato, not to the Utopia of More; not to the Oceana of Harrington. It is before me—It is at my feet, and the rude swain treads daily on it with his clouted shoon. I only wish you to recognize, for theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament.” *Edmund Burke, On Moving His Resolution for Conciliation with the Colonies (March 22nd, 1775)*. Burke used the precedents of the *Magna Carta* and relations with Ireland and Wales to write on the importance that the Parliament has placed on maintaining representation for free peoples. In his words, “your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against an whole nation were not the most effectual methods for securing its obedience.” *Id.*

Burke's solution to the American Problem was simple: "Peace. Not Peace through the medium of war; not Peace to be hunted through the labyrinth of intricate and endless negotiations;... not Peace to depend on the Juridical Determination of perplexing questions; ... It is Peace sought in the Spirit of Peace; and laid in principles purely pacific." To gain this peace, the British must "reconcile [the Colonies] to each other in the same act, and by the bond of the very same interest, which reconciles them to the British Government." *Id.*

This Continental Congress was also aiming for reconciliation and a lasting peace between the Colony and its Mother. On July 8th, this Congress sent a sincere and humble petition to the King, urging for peace. The Olive Branch Petition, as it later became known, urged the King to form diplomatic relations with the Colonies and to pay just and required attention to those "who abuse [the King's] royal confidence and authority for the purpose of effecting [the Colonies'] destruction." *The Second Continental Congress (July 8th, 1775), Second Petition from Congress to the King.* This Congress wrote of its affection for the King and "...too tender a regard for the kingdom from which we derive our origin to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare." *Id.* The Petition

went further to make a resolution of “becoming the most dutiful subjects and the most affectionate Colonists” should the King choose to act in peaceful accord. *Id.* In its concluding paragraph, the Petition wished a “long and prosperous reign” upon the King and his lineage, and the document was signed by all twelve states with representatives at the Continental Congress. *Id.*

At every path the Colonists presented the road to avoid separation from England, and yet the Crown has repeatedly chosen that of violence and neglect to the rights of the Colonists.

B. The King hardened his heart, alienated the colonies, and declared total war

1. The King’s choice

King George II had the option to end all conflict with the Olive Branch Petition by granting the American Colonials their fundamental right of independence from taxation or actual representation in government, but the King decided instead to escalate the situation creating a potential for total-war.

On August 23rd, the King wrote back, saying that the North American Colonies have been “misled by dangerous and ill-designing men” who have forgotten their allegiance to “Power that has protected and sustained them,” who have

begun “an open and avowed Rebellion,” and who are “traitorously preparing, ordering, and levying War against Us.” *King George II, A Proclamation, For Suppressing Rebellion and Sedition (August 23rd, 1775)*. The King went on to order all “Officers, as well Civil as Military, and all other Our obedient and loyal subjects, to use their utmost Endeavors to withstand and suppress such Rebellion, and to disclose and make known all Treasons and traitorous Conspiracies.” *Id.* The King ordered that transmitting any correspondence or aiding or abetting the rebellion in any manner will make individuals co-conspirators and participants in the “open Arms Rebellion against [English] Government” *Id.*

The King started this conflict, and the question before this Congress has transformed into a question of whether this conflict will be a civil war or a war of independence.

2. Not citizen enough for representation, but citizen enough for treason

In his choice to engulf the present conflict in high flames, the King wrote that the Colonists were “traitorously preparing, ordering, and levying War.” *Id.* However, if the Colonists are not subject to Constitutional protections under the Crown then why does the Crown refer to them in regards to treason since by the Crown’s logic they have no allegiance of citizenship to betray. If

one is not bound by the English Constitution, how does one transgress such a constitution.

The English Crown cannot have their tea and drink it too, either the Colonists are English subjects and traitorous to the Crown yet entitled to the Constitution, or they are not subjects. If the Colonists participate in government as citizens and the King claims that they are subjects of the Crown, what conclusion is there to draw but that the Colonists are citizens.

C. The Declaration Committee prepared a document that encapsulates the present conflict, marks the dissolution of peoples, and preserves all Natural and Constitutional Rights

1. Historical context of the Declaration

Without unanimous consent from all thirteen Colonies to withdraw from England, while debate was ongoing, this Continental Congress commissioned a committee composed of John Adams, Benjamin Franklin, Roger Sherman, Robert Livingston, and Thomas Jefferson to write the Declaration of Independence. *Thomas Jefferson, (June 7th-August 1 1776), Notes of Proceedings in the Continental Congress.* This committee was “appointed to prepare a declaration to the effect of the said [Lee] resolution, which is in these words: ‘That these United Colonies are, and of right 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 ought to be, totally dissolved.”

Journal of the Continental Congress (June 10th, 1776).

John Adams, Richard Lee, and George Wythet argued that a formal declaration was not needed because these United Colonies had no relation to the Crown. They reasoned that “as to the people or parliament of England, we had always been independent of them” and “as to the king, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late act of parliament [the rejection of the Olive Branch Petition], by which he declares us out of his protection.” *Notes of Proceedings in the Continental Congress.*

The primary voice against declaring independence was John Dickinson. He argues that there are two advantages of declaring independence; first, that the people in the Colonies would be animated towards supporting the independent Colonies; second, that foreign powers would be convinced of the strength and unanimity of the Colonies enough to support the war effort. *John Dickinson (July 1st, 1776), Arguments against the Independence of these Colonies.* He argued that the first is unnecessary because people are already animated to the “preservation of Life, Liberty[,] & Property.” *Id.* He argued that

the second point is foolish because "foreign Powers will not rely on words." *Id.*

2. **Recitation of content and the need for a formal declaration**

Thomas Jefferson wrote the Declaration of Independence with two things in mind: the Lockean definitions of tyranny, liberty, property, and happiness; and the grievances committed against these Colonies by the Crown.

The Declaration sets out that: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain inherent & inalienable rights; that among these are life, liberty, and the pursuit of happiness." *Journal of the Continental Congress (June 28, 1776)*. These rights are secured by "governments... instituted among men, deriving their just powers from the consent of the governed[, and] whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & institute new government, laying its foundation on such principles & organising its powers in such form, as to them shall seem most likely to effect their safety and happiness." *Id.* Not only do the people have the right to alter or abolish such government, "under absolute Despotism, it is their right, it is their duty, to throw off such government & to provide

new guards for their future security.” *Id.*

The Declaration of Independence achieves negative liberty from tyranny by asserting the individual’s positive liberty to the right to life, liberty, and the pursuit of happiness.

The Declaration establishes, in practice, for the first time that the Lockean principles of the dissolution of government can be followed; that a people can split from a tyrant. The goal of the government is to secure the rights of the people. The security for the contract between the government and the governed is like the financial contract. The Declaration is the receipt of every individual’s contract with the Government. The transaction is the consent of the governed, and the product is the rights of man. The calculus of the Declaration is at its soul a Lockean transaction.

The Declaration serves not only as the receipt of legal protections, but also as the political document which removes one political bond from another.

The Declaration provides political reasoning for political action. The Declaration claims that the King is acting in “absolute Despotism”, and it submits facts to the world to prove such a claim. *Id.* The Declaration’s list of grievances begins with the destruction of all effective government in the Colonies: “[the King] has refused his assent to laws the most wholesome

and necessary for the public good; he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.” *Id.* Beyond the destructive of all nontyrannical government in the Colonies, “he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only.” *Id.*

Not only has the King destroyed government, he “obstructed the administration of justice totally to cease in some of these states, by refusing his assent to laws for establishing judiciary powers; [and] he has made our judges dependant on his will alone, for the tenure of their offices, and the amount & payment of their salaries.” *Id.*

To enforce the diminishment of government and justice, “he has affected to render the military, independent of & superior to the civil power” *Id.* He has also “abdicated government here, withdrawing his governors & declaring us out of his allegiance & protection; by declaring us out of his protecting & waging war against us.” *Id.*

Despite the repeated humble petitions of this Congress,

the cruel King has answered only in anger; “a price whose character is thus marked by every act which may define a *tyrant* is unfit to be the ruler of a free people.” *Id.*

CONCLUSION

At every moment, the British Government has taken upon itself the duty of extending the knee of tyrannical rule further and further into the loins of the American Continent. Their means have been financial, military, and without any regard for the wellbeing of Englishmen in America. The Parliament has attempted, against all precedent, to remove the right of representation from these United Colonies and to replace it with a representation so virtual that it does not exist.

The Crown has brought a cleaver to the table of diplomacy at every opportunity; when these United Colonies attempted to reconcile, the Crown rejected us in the harshest of terms, and all of this is aimed toward the expansion of a tyrannical regime aimed at its own preservation instead of the well-being of mankind. Such is the cause of our affliction, and such is our wellspring for our Declaration of Independence.

To reject the Declaration of Independence before this Congress is to reject the rights inherent to man and Englishmen; that men are created equal with the inalienable rights of life, liberty, and the pursuit of happiness. To reject the Declaration is to accept a squandered status as lesser men of permanent servitude to the will of a tyrant. To reject the Declaration is to destroy all governments in these Colonies and to establish a rule of anarchy where every man is against every

man in constant conflict.

In the words of Thomas Paine, “until independence is declared the continent will feel itself like a man who continues putting off some unpleasant business from day to day, yet knows it must be done, hates to set about it, wishes it over, and is continually haunted with the thoughts of its necessity.”

Thomas Paine (January 10th, 1776), Common Sense.

For the rights of Colonists as free individuals, independence against England must be declared. In the words of Patrick Henry: “give me liberty or give me death.” *Patrick Henry (March, 23rd 1775), Give Me Liberty or Give Me Death.*

Respectfully submitted,

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