

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 fundamental rights of the colonies have repeatedly and unapologetically been violated by the British crown and Parliament. A relationship that has lasted centuries under the general respect of allowing each other to exist and govern essentially as they liked has been destroyed because of the greed for power expressed by the British government. When the progress of a colony becomes stagnated at the hands of an autocratic, power-hungry government, the only choice is to make every effort possible to free the nation from those constraints. At this point in time, the best way to achieve that goal is to declare independence. The fault for the situation lies with the British. In their own Bill of Rights, England affirms that people under the rule of the crown are guaranteed many of the same rights as mainland citizens. The most important one of these for our case is no taxation without representation. For a majority of the time the colonies spent under British control, this law was followed, and no issues ensued. It was only when Britain made the decision to force the colonists to pay for their involvement in the French and Indian war that things started to go awry. With no input from the colonists themselves, harsh taxes were put in place on the most commonly purchased goods in America. England then doubled down on this, establishing the Intolerable Acts and seizing control of even more aspects of daily life in the colonies. Faced with these challenges, the colonies attempted to negotiate, asking for a return to normalcy and for the British to simply keep their own

constitution in mind. These requests fell upon deaf ears, though, and the atrocities continued. The colonists are fed up with being mistreated by England, and have made their views abundantly clear. The reasoning is there, the support is there, and the leadership is there, so the final step is to act. By declaring independence, the 13 Colonies take a brave step forward, away from their oppressive monarchs and into a future filled with progress.

ARGUMENT

I. Taxes

A. The Stamp Act

On March 22nd, 1765, the British Parliament passed an act that would levy a tax on products made from 'parchment' or a "sheet or piece of paper," this act has been called the *Stamp Act*¹. The purpose of this act is to reconcile the losses, inclusive of revenue from trade and for defense, compounded after the Seven Years' War².

Being a tax on printed and paper goods (a definition that could contain anything from legal documents to playing cards), the act is enormously prominent on the day to day lives of Colonists. It is not unfair to say that such an intrusive act can be seen as concerning in regards to its imposing nature. In fact, many see it as a violation of the Colonie's autonomy. As said in a letter from a farmer near Delaware (that being John Dickinson), this act took the "privilege of legislation" away from

¹ King George III, "An Act for Granting and Applying Certain Stamp Duties." 1765. The Gilder Lehrman Institute of American History.

<https://www.gilderlehrman.org/history-resources/spotlight-primary-source/stamp-act-1765>

² King George III, "An Act for Granting and Applying Certain Stamp Duties." 1765. The Gilder Lehrman Institute of American History.

the states ³. In other words, if this one act can be placed with little to no say on the local level from the colonies, why should any legislation from Britain be met with rigorous checks and balances? Another farmer in a similar situation noted the “industrious and frugal” state of the economy, one reliant on hard work and sacrifice ⁴. Such a tax appears to abuse this system and systematically takes advantage of the colonists. This creates a dangerous precedent where Great Britain can exact rule and legislation without say from the Colonies. Thus, Mr. Patrick Henry has taken it upon himself to present parliament with ⁵ resolutions, all of which focus on the autonomy of the Colonies. The fifth and final resolution claims that only the General Assembly of the Colonies are entitled to levy a tax on its people and any attempt to change this is a threat to “British as well as American Freedom” ⁵. This resolution was promptly dismissed, showing a trend in Great Britain’s trajectory towards pure tyranny.

³ Dickinson, John. “Letters From a Farmer In Pennsylvania. Letter 1.” Wikisource. https://en.wikisource.org/wiki/Letters_from_a_Farmer_in_Pennsylvania/Letter_1

⁴ Dickinson, John. “Letters From a Farmer In Pennsylvania. Letter 12.” Wikisource. https://en.wikisource.org/wiki/Letters_from_a_Farmer_in_Pennsylvania/Letter_12

⁵ Henry, Patrick. "Virginia Resolves on the Stamp Act." 1765. *Encyclopedia Virginia*. Virginia Humanities, 2020.

B. The Tea Act

On May 10, 1773, The Tea Act was passed with the goal of aiding the growth of the British East India company, stating, “on all teas sold at public sale, or imported by licences, and afterwards exported as merchandise to America, the whole duties of customs to be drawn back” . What angered the colonists about the passing of the act is the same thing that angered them about the stamp act, it was another tax set in place without their input. While The Tea Act did not establish any new taxes on goods, it enacted changes to taxes already put in place, showing that not only had the English Parliament violated the rights of the colonies previously by establishing the taxes in the first place, but they were abusing that power again by making changes to it without representation from the colonies. The Tea Act states, “That there shall be drawn back and allowed for all teas, which, from and after the tenth day of May, one thousand seven hundred and seventy-three, shall be sold at the publick sales of the said united company, or which shall be imported by licence … the whole of the duties of customs payable upon the importation of such teas; which drawback or allowance shall be made to the exporter …” . The act states that all tea imported legally by the East India company would be able to avoid taxes put in place previously, a seemingly fair change, but one that the colonists had no control over.

In response to the passing of the The Tea Act, The Philadelphia Resolutions were passed, encouraging the colonists to stand up to the tyranny of the British and laying out a clear plan on how to do so. The resolutions lay out a basic explanation that “the duty imposed by Parliament upon tea landed in America is a tax on the

Americans, or levying contributions on them without their consent,” and the tax “has a direct tendency to render assemblies useless and to introduce arbitrary government and slavery”. Therefore, it is “the duty of every American to oppose this attempt”. The colonists were worried about the dismantling of local governments, and the dominance that this could give the crown over the everyday lives of the colonies, which had largely been able to live as they wished. To combat the actions of the crown, the Philadelphia Resolutions called anyone who made efforts to “aid or abet in unloading, receiving, or vending the tea sent or to be sent out by the East India Company while it remains subject to the payment of a duty here” an “an enemy to his country” . They also encouraged anyone in the colonies who had been “appointed by the East India Company to receive and sell said tea and request them” to “resign their appointment”. By establishing a stigma around aiding in this act and stripping the crown of the colonial leaders who were supposed to facilitate its implementation, the colonists were able to limit the effectiveness of the act, giving them the upper hand in the fight over the act.

In the same way that the colonists publicly stood up against the Tea Act, it is vital that we stand publicly in favor of independence. It is clear that, when we stand together, we are able to make change and are able to gather support for the cause. When we stand together in favor of independence, it will put us in a position to succeed. The Declaration of Independence outlines that people are the leaders, and will ensure those who abuse power in the way that the British government has are brought to justice.

C. Resulting Reasoning for Independence

It is thus clear that the Colonies are, knowing their binds to dignity and liberty, ready for separation from Britain.

If these colonies were to be successful, they would be self governed and carrying the burden of only their own faults and legislation. The demand of foreign entities across land and sea proves no benefit to this chartered land. This has been proven here. Farmers across this great aggregation of life and state feel the impact of this act. Only we know our own limits, and we know now that a point has been reached where

Great Britain is no longer a maternal figure, but rather a painful reminder of the colonies' lack of self autonomy. Again and again we shall fall to the needs of this unreasonable nation rather than to our own.

This thus justifies our independence from Great Britain.

II. Infringements on Freedom and Livelihood

A. Boston Port Act

The Boston Port Act of 1774 closed the Boston harbor to any and all ships for trade or commerce, withstanding the King's use of the port ⁶. Moreover, any ship found using this harbor can be told to leave by a higher up in the military and if the ship does not leave within six hours, everything on it is forfeited to the government ⁷. This extends until the King deems it safe and smart to begin using this port again. But until then, it is closed from everything despite being in a rather important area. This act is in response to the publicly indecent act where Colonists destroyed English property at the Boston harbor. In a letter from the Boston Committee of Correspondence, this act is described as "cruel, and unjust" ⁸. The response continues by claiming that Boston is being made an example for other Colonies that won't surrender their rights as easily to Great Britain. Considering the significance of this port to keeping the people of Boston nourished, this act is justly refuted here ⁹. The New York Committee goes on to agree and sees this act as a brutish attack on American rights and they will thus create more correspondence between the Colonies ¹⁰. As a sister colony, New York colonists exhibited a similar concern as Boston. The Committees went as far as to create a list of resolutions that address this, and other, matters. This document holds that, among a slew of taxes on the Colonies, the Boston Tea Party was an expected response, thus making the Boston Port Act an unjust punishment for the

⁶ British Parliament. "The Boston Port Act." March 31, 1774. Yale Law School: Lillian Goldman Law Library. https://avalon.law.yale.edu/18th_century/boston_port_act.asp

⁷ British Parliament. "The Boston Port Act." March 31, 1774. Yale Law School: Lillian Goldman Law Library.

⁸ Adams, Samuel. "Circular Letter of the Boston Committee of Correspondance." May 13, 1774. Yale Law School: Lillian Goldman Law Library. https://avalon.law.yale.edu/18th_century/circ_let_boston_1774.asp

⁹ Adams, Samuel. "Circular Letter of the Boston Committee of Correspondance." May 13, 1774. Yale Law School: Lillian Goldman Law Library.

¹⁰ Force, Peter. "Letter From the New York Committee of Fifty-One to the Boston Committee of Correspondance." May 23, 1774. Yale Law School: Lillian Goldman Law Library. https://avalon.law.yale.edu/18th_century/letter_ny_comm_1774.asp

few that impacts everyone and only a further means to oppress independence ¹¹. It is yet another example of the British Monarchy overstepping their power and attempting to force the hand of the colonists. These are unjust methods that only show a lack of mature leadership and unwillingness to actually work with the people they are governing. Independence presents an opportunity for the colonies to escape these types of damaging rule and cement themselves as a nation ruled fairly.

B. Massachusetts Government Act

The Massachusetts Government Act was a means to better regulate the province of the Massachusetts Bay area. This act further altered Massachusetts status, making it less of a charter and more of a Royalty owned piece of land ¹². This act also changed official roles and meetings in Massachusetts, putting the colonists' self autonomy in jeopardy and under Royal control. The response to this was much more violent. No doubt, colonists were outraged, the people were outraged. In a letter from Thomas Gage, an army officer for Great Britain, he mentions the forces of the Colonists being under-stated and calls for the seizure of their arms ¹³. The Colonists continue to show resistance against

¹¹ “Committee Of Correspondence. Committee-Chamber, . Proceedings of the Committee of correspondence. The resolves proposed by the Board to the inhabitants of this City, having been published and dispersed through the town several days previous to this meeting.” New York, 1774. <https://www.loc.gov/item/2020768579/>.

¹² British Parliament. “The Massachusetts Government Act.” May 20th, 1774. Yale Law School: Lillian Goldman Law Library.
https://avalon.law.yale.edu/18th_century/mass_gov_act.asp

¹³ Gage, Thomas. “Boston. Today in the 1700s.” October 20th, 1774. The Colonial Williamsburg

officers and British forces after this unjust act on Massachusetts, another direct attack on Colonial authority and independence. The people of Massachusetts have a right to be able to govern themselves. As residents of the colony, they know better than anyone else the comings and goings of daily life within it. By passing the Declaration of Independence, we show the king that elimination of the people's right to rule will not be tolerated. In an independent nation, the people of Massachusetts get their government solidified and a precedent is set that, at its core, the nation is run by the will of the people who know it best.

C. Quartering Act

The final injustice served to the colonists was the Quartering Act; this act provided soldiers housing in any Colonist's home if barracks were not already provided ¹⁴. The response to this was, of course, overwhelmingly negative. This act prompted Colonists to begin consideration of what rights they truly had and what level of legislative authority Great Britain should be allowed. One such document by James Wilson handles this matter. James Wilson notes how the British have always erred on the side of freedom and any deviance from this would be a mistake ¹⁵. Further, the government is built from consent from the people it rules over

Foundation. <https://research.colonialwilliamsburg.org/todayIn1770s/index.cfm?SelectedMonth=10&SelectedDay=20>

¹⁴ British Parliament. "The Quartering Act." June 2nd, 1774. Yale Law School: Lillian Goldman Law Library. https://avalon.law.yale.edu/18th_century/quartering_act_1774.asp

¹⁵ Wilson, James. "Considerations on the Nature and Extent of the Legislative Authority." 1774. University of Wisconsin. <https://wisc.pb.unizin.org/ps601/chapter/james-wilson-considerations-on-the-nature-and-extent-of-the-legislative-authority/>

as no one person is greater than another in value or opinion ¹⁶. Reactions to this act consisted also of a consideration of the Colonies having much more of a role in Parliament ¹⁷.

III. Writings

A. Articles in Support of Independence

As the colonial relations with Britain continue to become colder, many of those who support separation from Britain began to publish their ideas in hopes of garnering further support for the movement. As a result of multiple instances of Great Britain violating the purported social contract shared between the Colonies and Great Britain: whether in the form of unjust taxation, disruption to Colonists' well being, or a general imposition of authority that seemed more tyrannical than helpful, people are

¹⁶ Wilson, James. "Considerations on the Nature and Extent of the Legislative Authority." 1774. University of Wisconsin.

¹⁷ Wilson, James. "Considerations on the Nature and Extent of the Legislative Authority." 1774. University of Wisconsin.

more open to the idea of a radical change in leadership. The people who wrote these articles are known as Patriots, and advance their cause by promoting American liberty and highlighting British tyranny.

One source by an anonymous colonist was written to the British people, outlining some of their main grievances. The first notable argument pointed out that, when a new land is founded under British rule, every person in that new land is guaranteed the rights of an English citizen, outlined in “Common law of England and Magna Carta”. Following this, it is argued that these explorers of the land can not be taxed by the British Parliament. This point revolves around the inseparability of taxation and representation. The author mentions that a “tax granted by the parliament of England shall not bind those of Ireland” because they are not summoned to that parliament. The same applies for the Colonies; they do not answer directly to parliament and so do not stand to be taxed by parliament.

In 1775, Patrick Henry delivered a speech called “Give me Liberty or Give Me Death.” This speech, in summary, calls America to action. Henry recognizes the pains and burdens brought upon the Colonies as a result of England’s tyranny, using chains as an analogy. Addressing the long history of English rule over American colonies, Patrick Henry notes the lack of progress mere discussion has made in resolving Colonists’ grievances. Thus, he calls America to fight back against Great Britain and grow stronger to prepare for such a fight.

The final argument to look at is Thomas Paine's "Common Sense," written in 1776. Paine laments, "as the King of England hath undertaken in his own right, to support the Parliament in what he calls Theirs, and as the good People of this Country are grievously oppressed by the Combination, they have an undoubted privilege to enquire into the Pretensions of both, and equally to reject the Usurpation of either." Essentially, this argues that the Colonists' grievances are a direct result of the King and Parliament. Thus, both should have their authority questioned.

While they may differ in small details, each argument made by a colonist focuses around one key point, the right to have a say in how one is governed. This is a right that has been repeatedly denied to the American colonial people, despite it being legally guaranteed to them by English law. Considering Britain's repeated violations of their own law, refusal to acknowledge their wrongdoing or make any changes, and widespread published support for the movement, the logical solution is to declare independence. At this point, the colonies have been mostly governing themselves for nearly two centuries, so the experience to handle leadership certainly exists in both the political and military spheres. As evidenced by the publication of these works, there are numerous individuals willing to fight for their liberty and freedom and to serve as leaders for the community in the fight for independence. The movement has all the fuel and justification it needs, so the next logical step is to pursue that goal.

B. Articles Against Independence

While not all of the colonists were in favor of separation from Britain, the reasoning for why independence was necessary can be clearly seen in loyalist writings. “Loyalist” is the term used to describe those who wanted to remain loyal to the crown, and has evolved to become a label with a negative connotation for those who do not support the separatist movement. Loyalists believe that Britain does have a necessary role in American affairs. The arguments advanced by Loyalists center around state stability and Colonial rights. Both of which, upon further examination, do far more to support separation from Britain than they do staying connected.

In 1775, Samuel Johnson wrote a pamphlet called “Taxation: No Tyranny.” Johnson was a loyalist, and fiercely rebuked any support of the colonies becoming an independent nation. One argument was that of supreme power and social stability. Samuel Johnson posits that a stable government or community and society needs a “supreme power”. However, for such a thing to exist, there must also be subjects to this power. Otherwise, the power has no real good. These subjects then must give up some of their rights in exchange for public good (safety, stability,etc.). In this same way, Johnson argues that the Colonists must relinquish some of their rights to England to help rule the Colonies. Thus, painting Patriots in an antagonistic light. Samuel goes so far as to accuse some Patriots of wanting to “lessen English honor,” framing

independence more about tedious and petty desires. Samuel finds the idea that the Colonies can not be taxed absurd, believing Colonists to have a complex where they find themselves to be master of a realm despite being somewhat reliant on prosperity from England. Fundamentally, this is not the case. Since the founding of the formal colonies, the communities had done a majority of the governance themselves, so any belief that they were able to survive on their own was based completely in logic. On the idea of a “Supreme Power,” modern societies have shifted further and further from this belief, and have seen great amounts of success. This only proves that a country can survive working together, and does not need the supervision of one all-powerful individual to govern and thrive effectively.

The next argument is from James Chalmers, author of “Plain Truth,” a response to “Common Sense.” While “Common Sense” argued for the independence of the Colonies through opposition of English authority, “Plain Truth” denies this ground by highlighting the Colonies’ reliance on Britain militarily and financially. In a world without Great Britain, Chalmers argues that American trade would fall and the Colonies would be defenseless against other European nations, such as France. In Chalmers’ eyes, Britain ultimately provides real protection to the Colonies that cannot be replicated.

The biggest issues surrounding the beliefs of loyalists comes from the baseless nature of their claims. Ideas like the “Supreme Authority,” that England has a right to tax the colonies without giving

them any say in how those taxes are determined, and the belief that the colonies rely solely on England for successful governance, trade, and protection have no logical backing. In practice, the colonies have close trade and diplomatic relationships with numerous European countries that do not rely on the British and have militias that are capable of defense and a national spirit that would certainly garner further support in the event of a conflict. The Loyalist view of the conflict does not take into account the actual situation that the colonies were in, and leans too far into the propaganda promoted by the crown and its allies to hold any weight in practice.

IV. Attempts at Reconciliation

A. Efforts That Have Received No Regard

The Continental Congress had long been a proponent of Independence for the Colonists. The Continental Congress was created with the purpose of advocating for the well being of the Colonies and the relationship between the Colonies and Great Britain. The Continental Congress has proposed reciprocal and aggressive methods to counter British power and rule, focusing on boycotts and exports of British goods. This has thus sparked tension among all parties involved - something the Continental

Congress took note on. Knowing that war is never ideal, especially in the state of the Colonies, the Continental Congress has attempted to reconcile with Great Britain on some fronts to avoid war. This attempt failed, and not on the account of the colonists.

The Olive Branch Petition of 1775 was an attempt by the Continental Congress to properly avoid war. This petition first harped on the loyalty of the “faithful subjects” that are the Colonies¹⁸. Moreover, this petition included a rather fair assessment of Britain’s leadership of the Colonies. Britain was the main protector of the Colonies from foreign opponents and was an economic fountain from which the Colonies could indulge. Likewise, the Colonies also provided tons of revenue to Britain. The petition then moves to the main point; ministers in Britain practiced many hostilities on the Colonies and these are the factors that determine the chance of a war¹⁹. The Olive Branch Petition offered King George III the opportunity to repeal multiple laws and disputes in return for absolute peace. Although reasonable, this was a big ask from the Colonies. As expected, the response is not one of agreement from the King. As stated by King George III, “Our Colonies and Plantations in North America, misled by

¹⁸ Congress. “Second Petition From Congress to the King.” July 8th, 1775. National Archives. <https://founders.archives.gov/documents/Jefferson/01-01-02-0114>

¹⁹ Congress. “Second Petition From Congress to the King.” July 8th, 1775. National Archives.

dangerous and ill-designing Men... have at length proceeded to an open and avowed Rebellion”²⁰.

The response back was anything but promising; the Colonists’ words were construed as inciting rebellion and being clueless or disingenuous. King George III goes on to reason that this rebellion must be apprehended and rooted out from the Colonies, thus promising further conflict rather than peace.

There is no doubt at all that the villainization and disregard of the colonies calls into question whether or not Britain is fit to lead a developing congregation. A true state does not have freedom when it is treated in this fashion. Moreover, as a separately chartered land, the colonies rightfully deserve their word to be held with value. Anything other than this is pure disrespect and only harms the colonies. This we beg that Great Britain and those not for independence see our side and our point of view. Our great colonies deserve their independence and this is what we propose.

²⁰ King George III. “By the King, A Proclamation, For Suppressing Rebellion and Sedition.” 1775. Encyclopedia Virginia.
<https://encyclopediavirginia.org/primary-documents/by-the-king-a-proclamation-for-suppressing-rebellion-and-sedition-1775/>

CONCLUSION

When the Americas were chartered, they were given their own essential rights. The land that was found had humble beginnings, finding itself subservient to the main land in England. England was a strong and protective presence, keeping the colonies in their nest while maintaining trade relations and protective ordinances. The dignity of the people were preserved and their autonomous nature as an entity.

However, nothing lasts forever. Britain's losses in the Seven Years War proved to be quite consequential to its own prosperity. Thus, needing a crutch, the colonies were held to new standards of taxation. While sympathetic, the colonies hold that these actions were distasteful and discounting of America's own burdens. Only Americans know the amount of

such burden they can retain; any other entity has no real right to pursue significant change in the status quo.

These acts stacked on more and more as the King became less and less empathetic. The Boston Port Act, Massachusetts Act, and Quartering Act were the final nails in the coffin that proved this. Moreover, our attempts at reconciliation and in creating boundaries have only been found with aggression and antagonization. It has become abundantly clear that the colonies have no other option than to seek independence. We hope it is well seen that we want only the best for all parties and see this as the means to such a goal. So please, hear us out and understand.

Respectfully submitted,

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