

No. 74-1776

In the
Continental Congress of the United States

PATRIOTS,

Petitioner

v.

LOYALISTS,

Respondent

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

King George III's posturing towards the American colonies has become increasingly more detrimental to the wellbeing of the American colonies calling into question his legitimacy as a monarch. Through policies that restricted personal liberties, undermined the rule of law, and neglected the common welfare of colonial subjects, George III increasingly acted in ways that conflicted with established British constitutional principles. His conduct toward the colonies echoed earlier abuses of power committed by James II, whose reign was deemed tyrannical by the British people. In contrast to the limitations on monarchy articulated by James I and later formalized in the English Bill of Rights, George III exercised power without regard for these constraints. Moreover, he failed to uphold the mandate established by the Glorious Revolution, which charged monarchs such as William of Orange with preserving law and liberty within the kingdom. As this paper will argue, George III's disregard for these foundational principles led many colonists to question their obligation of allegiance and ultimately to consider independence as a necessary response to a king they viewed as illegitimate.

ARGUMENT

I. The People of the American colonies are Entitled as Britons to the Same Constitutional Protections Thereof

A. The Rights of English Subjects

i. Monarchical encroachment that renders the regime tyrannical

The outline of what a proper monarch looks like is first expanded on by the then King of England James I. King James explains that a lawful king places the law of the land over satisfying the monarch's personal desires.¹ Strong examples of what these personal desires may look like include a King placing his religion over the religion of the majority, limiting liberties of the people in order to gain more power and rejecting the authority of the parliament to further the King's power. While James II's speech may seem somewhat nebulous it provides an essential *telos* and framework for the crown. The King should prioritize the common good of his people over his desires. An honest King is one who does this by respecting parliament and the law. All of this provides what a good monarch looks like. This leaves the question of what is the scope of the King's obligations. James I addresses this as well. He explains that the prosperity of "the whole commonwealth" is his duty. The American colonies fall under this solution set.

¹ Locke, John. *Second Treatise of Government*. (Chapters XVII–XIX).

The reign of King James II of England is the prime example of English tyrannical rule. This tyranny is marked by the disregard for rule and liberty in the Kingdom of England. James II subverted the law of England by not properly executing the laws produced by parliament.² He misappropriated funds given to the crown from parliament.³ He jeopardized the safety of Protestants in the Kingdom by disarming them while allowing Catholics to remain in government positions and remain armed.⁴ He made arbitrary arrests and brought arbitrary charges against his subjects and forced cruel and unusual punishment in conjunction with excessive bail onto them.⁵ He showed “utter” disregard for the law and freedoms of “[the] realm.”⁶

The acts of James II that ultimately led to the deposition of his tyrannical regime follow two main themes. Firstly, the rejection of the authority that legislative bodies hold. Rejecting the authority of legislative bodies is the subsequent rejection of the subject’s right to determination. This subsequent rejection manifests as a loss of liberties for the subjects and their placement into physical peril. Losing the right to a proper process through the law is how the loss of liberties most grossly manifests. In a kingdom where the majority of subjects are Protestant it is pertinent for the king

² Avalon Project, English Bill of Rights 1689, The Avalon Project, Yale Law School Lillian Goldman Law Library, accessed January 29, 2026, https://avalon.law.yale.edu/17th_century/england.asp

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

to preserve the safety and rights of this majority. James II failed to provide Protestants with the proper means to protect themselves as prescribed by the law. The limitation of personal rights goes further: infringing on the subject's right to property. James II by raising a standing army in times of peace and quartering them in the houses of private citizens is contrary to law and liberty. All of the aforementioned violations are derived from the disregard of legislative authority and rights of citizens.

ii. Royal mandate derived from the Bill of Rights (1689)

William of Orange and Mary of Orange were welcomed to the crown of England conditionally. It was “demand[ed]” by both houses of Parliament of the new dynasty that they would uphold certain “rights and liberties.”⁷ Parliament had “entire confidence” that the new regime would be able to execute this negative mandate well.⁸ In exchange for following these demands the crown would gain “true allegiance” from those required by law to take the oath.⁹

The most important liberties and rights that were preserved in this new mandate are what follows. When it comes to the rights of Parliament: the elections of MPs were to be free and freedom of speech was preserved within the houses.¹⁰ The King also no longer had the authority to subvert or

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

interpret on a whim the laws of parliament.¹¹ The King is no longer able to raise a standing army during peacetime without the consent of parliament. When it comes to the liberties of the subjects of the crown the prime complaints were addressed. Arbitrary arrests were ended along with excessive bail and cruel and unusual punishments.¹² Parliament also preserved the safety of the majority where Protestants are allowed to have arms within the bounds of the law.¹³

Similar to the violations found in James II, the mandate given to William and Mary of Orange revolves around the preservation of the agency Parliament holds. The king answers to the will of the people which manifests through parliament. The King is no longer able to subvert the will of the legislature and subsequently limit the liberties of the people and the common good.

B. The English domains in America are active members of the Kingdom and are protected in full by the Bill of Rights (1689).

Staunch royalists will argue that American-born subjects do not hold the same liberties and privileges as subjects born on the British Isles; this, however, is erroneous. This discrepancy boils down to three factors. Firstly, it is evident in the Stamp Act, English Bill of Rights and later affirmed by

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

the “Stamp Act Congress” that the American colonies are rather the self-governing American dominions where those who reside within its borders are royal subjects equivalent to that of British subjects. The Stamp Act explicitly applies to “[His] Majesty’s dominions in America” referring to the 13 colonies. The significance of this language lies in how it was used nearly 80 years earlier.

The American colonies were represented in the Bill of Rights (1689) and filed a complaint against James the II with Parliament. The Lords Spiritual and Temporal and Commons assembled at Westminster to represent “the people of this realm.” As used in the Bill of Rights “this realm” refers to the areas where “the people” (the victims of James II) reside. The meaning of “the people” is expanded on later when James II is charged with attempting to “subvert and extirpate the Protestant religion and the laws and liberties of this kingdom.” The American Dominion was a part of “this kingdom” and therefore was “injured” by the reign of James II and was represented in the Bill of Rights and administering his deposition.

Within the English Bill of Rights the crown of England is bestowed upon William of Orange and Mary of Orange where they are now the sovereigns of “England, France and Ireland and the dominions” in hope that they will prevent the “violation of their rights which they have here asserted”. Parliament asserts in the Bill of Rights that the dominions have rights that need to be protected from monarchical overreach. The “hope” of protection from tyranny is implied to be shared by the Americans as well, meaning that they (as

subjects of the king) hold the King to a standard where he must not subvert “the laws and liberties of [the] kingdom.”

The latter two paragraphs are instrumental in understanding the rights of the American Colonies in relation to Westminster. The American dominions were affected by the tyrannical reign of James II and were represented in the Bill of Rights just as the rest of the Kingdom was. This means that the American colonies have the right to hold the sovereign accountable and/or view him as unfit for his role if he violates the laws and liberties of the land. The American dominions also participated in granting William of Orange the crown of England and his subsequent mandate to not subvert the laws and liberties of the kingdom.

The Bill of Rights (1689) is very explicit in what the scope of its assertions are. During the oath of allegiance over and over again it is asserted that the new King holds power over the entirety of the Kingdom of England (including all of its domains).¹⁴ As I stated previously this power is not without a price. If the King were to start breaking the law the contract with Parliament would be broken as well subsequently making his rule nugatory. There is no distinction between the rights of the subjects within the domain and those who reside on the British Isles. The complaint against James II came from the Kingdom in its entirety and the affected “realm” and William of Orange’s power is over the entirety of the Kingdom as long as he upholds the liberties and law throughout the Kingdom. The

¹⁴ *Ibid.*

American colonies are a part of the Kingdom of England, they are a part of the affected “realm” from James II and therefore were represented in the complaint against him and because the crown’s power is over the colonies he must respect the rights of the colonies.

II. King George III Has Inflicted Harm to American Colonists Analogous to that of James II to Britons.

A. The Political Grievances Experienced by Colonists Act as to Subordinate the Colonies to the Crown’s Authority

The American Colonists, peacefully petitioning various tax laws and British impositions, were met with a series of punitive Royal Acts meant to coerce the colonial populace. The *Massachusetts Government Act*, suspension of colonial legislatures, and the *Quartering Act* empowered royal officials of the British Government and military to enforce the King’s will. Deemed as not only unproportional to colonial demonstrations, but unwarranted, these actions did not intend to benefit the welfare of the colonies, maintain the social order for public safety, or protect local governance; rather, these policies were enacted to prevent any sort of resistance to imperial authority, dominate local governments, and ensure that the Thirteen Colonies complied with the decrees of Parliament. Effectively, these acts usurped the Colonies of self-governance.

The *Massachusetts Government Act*, passed by the British Parliament on May 20th, 1774, as a response to the Boston Tea Party, fundamentally altered the constitution of local government by revoking the 1691 charter.¹⁵ This act was a severe regulation of authority placing a royally appointed governor in charge of the colony. Town meetings became rendered useless as they were permitted only under the approval of the governor.¹⁶ In addition, Massachusetts' locally elected council was abolished, cementing total authority in the royal governor.¹⁷ Any semblance of self-governance was eroded. The royal governor possessed limitless authority, granted he abided by the crown. The power to appoint judges, juries, sheriffs, and court officers was stripped away from people, not because with these powers they were reckless, but to centralize authority. These unjust laws could not simply be maintained by King George III without military enforcement. The *Intolerable Acts* are widely unpopular among the colonists for the obvious reason restricting natural rights. A government would find it difficult to keep such impositions, especially in a colony, without the leverage of a military. The *Quartering Act* is the King's measure to place his own will into the homes of Americans. The *Quartering Act* has obligated the colonists to place British soldiers in their own domiciles

¹⁵Avalon Project, *The Massachusetts Government Act*; May 20, 1774, The Avalon Project, Yale Law School Lillian Goldman Law Library, accessed January 29, 2026, https://avalon.law.yale.edu/18th_century/mass_gov_act.asp

¹⁶ *Ibid.*

¹⁷ *Ibid.*

regardless of permission and consent.¹⁸ Not only is this an unfair financial and logistical burden on colonists, but it has also eroded local autonomy. These officers are not here to act in good will for the common good in policing, but to, again, ensure compliance with royal policies.

As a reasonable and justified response, the New York Assembly refused to comply with such unreasonable policies and by the *Restraining Act* was dissolved.¹⁹ The New York Assembly found it unfair for the colony itself to fund the royal soldiers staying there, especially without consent.²⁰ The Parliament in England did not try to compromise or listen to the requests of the Colony of New York. Instead, it chose to strong-arm the people, forcing them to adhere. This suspension made it evident that the Crown is not only willing, but finds it preferable to override the natural legislative authority of the colonies when it conflicts with imperial interests. There is no regard for anything but the will of King George III.

B. Economic Penalties Imposed by British Authority as Means Coercion and Mercantilist Centralization

King George III's economic policies in the American colonies, as evidenced by the Stamp Act, the Tea Act, and the monopoly granted to the East India Company, were not

¹⁸ Avalon Project, *Great Britain: Parliament — The Quartering Act; June 2, 1774*, The Avalon Project, Yale Law School Lillian Goldman Law Library, accessed January 29, 2026, https://avalon.law.yale.edu/18th_century/quartering_act_1774.asp

¹⁹ *New York Restraining Act* (1774)

²⁰ *Ibid.*

instituted for the welfare of the colonies but rather to exert control and dominance in the governance of the colonies. This further entrenched the idea that the colonies were extensions of British economic power and that they did not have their own rights and interests.

The Stamp Act, enacted in 1765, levied taxes on various printed materials without the consent of the colonists. As a reaction to this, the House of Burgesses and the Stamp Act Congress were adamant that, as British subjects, they were entitled to the same rights as subjects in Britain, including representation in taxation. The enforcement of the Stamp Act and the rationale that its repeal was only justified because it was detrimental to British commercial interests further entrenched the idea that the colonies were only valued for their economic potential.

Likewise, the Tea Act of 1773 conferred a monopoly on the East India Company for the sale of tea in the colonies, thus allowing the East India Company to sell tea at a price lower than the legal price of imported tea, as well as smuggled tea, while at the same time maintaining the tea duty. Even though the Tea Act of 1773 appeared to benefit the colonies through the reduction in price, the underlying intention was to reassert British dominance in the colonies. The colonies see this as an infringement on their rights, as another instance of taxation without representation, and as a symbol of the fact that the interests of the British Crown took precedence over the interests of the colonies. The monopoly conferred on the

East India Company in the Tea Act reinforced the idea that the interests of the British Crown took precedence over the interests of the colonies. By conferring a monopoly on the East India Company, the British Parliament was, in effect, saying that the interests of commerce in the colonies were subservient to the interests of the Crown.

**C. The Aforementioned Encroachments on
Self-Governance by the King Reflect Those Violations
That Justified the Removal of James II**

It is clear that King George III has caused substantial harm to the colonies and has not acted with the intentions of benefiting the general public welfare or common good but solely as to concentrate his own power in the colonies whether it be political or economic. These grievances, however, are not new to Britons; and in fact, are analogous to those constitutional principles of the English tradition violated by the deposed king, James II. The Parliament concluded that not they, but James II had forfeited allegiance to his subjects in 1689 after having determined that he had violated the fundamental laws of the English Realm towards said subjects. The Glorious Revolution was the natural response to a tyrannical force that had dissolved its own legitimacy.

The Parliament had condemned James II not for unwise policy, but because his own will had been placed above the natural rights of the English and the rule of the law. James II manipulated the English court systems, imposed taxes,

levies, and duties on the people without the consent of the Parliament, used a standing army during times of peace to intimidate those that opposed him, and prorogued Parliament when it refused to bend to his will. The English Bill of Rights of 1689 specifically calls out these actions as not just questionable but unjust.²¹

King George III's conduct with the colonies has been nothing short of parallel to these same injustices. The Intolerable Acts have allowed him to replace representative government with royally appointed ministers and subvert judicial systems. Not only this but the *Administration of Justice Act* has permitted those officials who have operated criminally to be extradited back to Britain where they would face no consequences. The Assembly in New York, like the Parliament in 1689, refused to bend to the king's will and was suspended for its noncompliance. The *Quartering Act* too mirrors James II's standing army. As stated prior, this army is not being kept for general policing but to suppress dissenters to the Crown and intimidate those who resist. The English Bill of Rights specifically identified this issue to be one of the most grave threats to liberty, and it is evidently worse that there has been no consent or legislative approval from the colonies themselves on this matter.²² The *Stamp Act* and *Tea Act*, only show King George III's preference to use malicious coercion as opposed to legitimate governance.

²¹ Avalon Project, English Bill of Rights 1689, The Avalon Project, Yale Law School Lillian Goldman Law Library, accessed January 29, 2026, https://avalon.law.yale.edu/17th_century/england.asp

²² *Ibid.*

Once more is an instance of a lack of consent as it pertains to the colonies. This is especially egregious as yet again the English Bill of Rights explicitly condemned James II for imposing taxes without the grant of Parliament. What King George III is doing is no different. The people living in the colonies have no representation and thus should not have unlawful duties superimposed upon them.

James II, as assumed by the Parliament, abdicated his lawful rule over England in 1689 by perverting his duty to govern with respect to law. The authority of the King was not absolute as it hinged on an agreement to rule in accordance with constitutional principles. Those said principles were violated and so was the king's allegiance to his subjects.

Likewise, King George II has abandoned this same constitutional compact with his colonial subjects in the Thirteen Colonies. He has dissolved dissenting representative bodies, he has ruled with military force, collected duties and taxes without the consent of those who pay them, and subordinated the general good of the colonies to his own personal will. Those who live in the colonies are no longer free Britons and under the same logic the Parliament used in 1689, it is King George III who has abandoned allegiance to his subjects.

III. King George III has rendered his regime illegitimate because he has failed to preserve rights preserved in the Bill of Rights.

A. Legitimacy is contingent on the preservation of rights

When it comes to the question of legitimacy and the rights of the citizen we look to the father of natural law who is deeply grounded in the English philosophical and legal tradition: John Locke. Locke philosophized that the end of government was when a tyrant took control of the crown and “[gave] way to his own will and appetite” while rejecting the law.²³ George III has rejected the rule of law within colonial legislatures and, most obscenely, he rejected the liberties protected in the Bill of Rights (1689).

Locke’s claims are enshrined in the English legal tradition. Aside from the explicit overlaps between the thinking of the English Parliament in 1689 and Locke, the concept that if tyrannical rule takes hold in Westminster the regime becomes improper is presented by James I of England. James I explains that “the wealth and weal of the commonwealth to be [his] greatest weal and worldly felicity; a point wherein a lawful king doth directly differ from a tyrant.” James I asserts that if the King diverges from the will of parliament he is not just unlawful (as asserted in the Bill of Rights (1689), but a tyrant and invalid monarch. The liberties of man are instrumental in the wealth and weal that James I alludes to.

²³ Locke, John. *Second Treatise of Government*. (Chapters XVII–XIX).

Building off of the previous assertion, Locke explains that to “invade the rights of prince or people” makes the perpetrator guilty of the highest crime.²⁴ This is a crime George III is guilty of. The person who is guilty of the “highest crime” is the pest of mankind and ought to be treated as such.²⁵ There is no doubt that the “pest of mankind” is not fit to rule over loyal subjects. A sovereign who succumbs to his “desires” is not a sovereign worth being loyal to.

To reject the formulations of Locke is to reject the Glorious Revolution, the deposition of James II and the Bill of Rights (1689). The deposition of James II was the true and proper execution of Locke's truths. James II violated the rights of subjects and subverted the will of parliament because he gave into his corrupted desires. He put his personal papal loyalties over the rule of law in England and over the prosperity of the majority of Britons. James II was removed from power in a manner in perfect mesh with Locke's ideas. The Bill of Rights was a framework to prevent tyranny and the new regime from Orange was the replacement of the tyrannical rule. James II and George III have brought almost mirrored harassment against English subjects. As James II was deemed illegitimate and replaced, George III should be treated as the “pest of mankind”.

²⁴ *Ibid.*

²⁵ *Ibid.*

B. King George III has proven himself to be stubborn and not willing to listen to the proposed reforms and complaints of the American colonists.

The Bill of Rights (1689) provides an explicit protection for subjects who are petitioning the King for change. This specific protection implies that parliament has a compelling interest in allowing subjects to participate in government (even if that is a simple advisory role) in order to provide perspective. This protection also implied that these petitions would have value or in other words “they are something worth protecting.”

The members of the American colonies have taken this opportunity to petition the king for change. In the “Olive Branch Petition” the colonists implore King George III to be an active monarch and bring peace to the colonies.²⁶ King George III does not respond or interact with this petition contrary to what parliament encourages. This was the second of two petitions formally sent to King George III imploring him to make change. By not interacting with the petitions presented to him King George III does not commit a crime. However, his course of action clearly illustrates the true attitude of the King towards the colonies. He is not only tyrannical but also not willing to calm tensions in the colonies and displays an utter disinterest in the American

²⁶ Continental Congress. *The Olive Branch Petition*. July 8, 1775. Founders Online, National Archives.

colonies. A monarch who is not willing to take peaceful action to preserve a portion of his Kingdom is not fit to rule that portion of his Kingdom.

IV. The Objections of Loyalists Fail Insofar as They Provide No Remedy to the Broken Social Contract

A. Loyalists Emphasize Stability

While generally the sentiment in the colonies favored a dispensation towards resisting British authority in local affairs, many loyalist Americans put forth a variety of different arguments that opposed the patriotism movement. Many of them, in the form of speeches, essays, and pamphlets, argued for the legitimacy of British rule, the dire consequences of rebellion, and the reconciliation between parties.

Edmund Burke, Esq, though not an American, regarded them as proper Englishmen. In his speech, “The Speech of Edmund Burke, Esq. On Moving His Resolution for Conciliation with the Colonies,” he argued that reconciliation with the colonists was still possible as long as Parliament took appropriate action.²⁷ A war in the Americas would be far too costly and a distraction from European affairs, and the American Colonies proved their value in vast natural resources, thus it would not make sense to allow them to rebel.²⁸ Burke warned the Parliament that legislation that sought to be further punitive or coercive would only work to deepen mistrust between Britain and the Colonies.

²⁷Edmund Burke, *Speech on Conciliation with America*, 1774, in *The Writings and Speeches of Edmund Burke*, ed. P. J. Marshall

²⁸*Ibid*

He also strongly reasoned that it was the duty of Britain to reconcile as “the superior power may offer peace with honour and safety”.²⁹ He also saw the patriot arguments from the standpoint of liberty to be too idealistic and theoretical and “arrant trifling” in the face of practical governance.³⁰

Published anonymously by an American, *A Very Short and Candid Appeal to Free Born Britons* reaffirmed the idea that Americans are endowed with the same inherent rights as Englishmen, but that they should and could not come at the cost of severing ties with the Empire. The pamphlet agrees with the majority of colonists that taxation without representation violated the local sovereignty of the colonies and historical precedents: “It is universally agreed, that taxation and representation united, form one of the principal pillars of the English constitution.”³¹ While this may be true, the fact of the matter is that the American colonies were regardless still British and have been historically loyal to the empire “go[ing] beyond their abilities in the last war” to support Britain.³² To break away from what had traditionally been the Colonies’ identity would be of little sense and would cause much harm to the Colonies themselves.³³ What should be done is for Parliament to repeal the laws they had instituted to ensure “peace and harmony be restored”.³⁴

Other loyalists such as John Dickinson and James Chalmers echoed similar sentiments. In his essay, *Arguments against the Independence of these Colonies*, John Dickinson argues that declaring independence would

²⁹*Ibid*

³⁰*Ibid*

³¹*A Very Short and Candid Appeal to Free Born Britons*, 1774.

³²*Ibid*

³³*Ibid*

³⁴*Ibid*

be of dire consequence to the Colonies.³⁵ The Colonies were militarily unable and unprepared to fight in a large-scale war across all 13 colonies.³⁶ An effort towards independence would ultimately, even if won, substantially weaken the colonies and leave them susceptible to “Foreign Powers [who] will not rely on Words” to solve conflict.³⁷ In James Chalmers’s *Plain Truth* he agrees that a war would be disastrous. It would bring “Ruin, Horror, and Desolation,” and that the current British Constitution provides sound protection against liberty compared to whatever political body would emerge from the war.³⁸

B. These Arguments Do Not Defend the Legality of Parliament's Actions: Fear of Consequences Does Not Justify Infringement of Rights

These objections given by loyalists, though well-intentioned, do not rest upon the legality of the Parliament's actions beyond the fear of the consequences that will come from opposing them. It has become evident that the British Crown has lost its authority to rule over the Colonies because it has grossly infringed upon the rights of the colonists without any intention of recourse. Such loyalist arguments can, in no way, preserve an already broken social contract.

Edmund Burke acknowledged that the Parliament’s treatment of the Colonies was both unjust and unwise, but

³⁵ John Dickinson, *Arguments Against the Independence of the Colonies*, July 1, 1776.

³⁶*Ibid*

³⁷*Ibid*

³⁸James Chalmers, *Plain Truth*

he cannot provide any mechanism to restore to the colonies their rights.³⁹ Dickinson's argument outright admits that it places an emphasis on pragmatism and not on the idyllic principles of rights. He too fails to articulate any viable means of which said rights can be enforced.

V. All Good Faith and Reason Avenues of Reconciliation have been Exhausted by the Colonies

A. The Colonies Have Repeatedly Reaffirmed Their Allegiance to the Crown In Conjunction to Protesting Imperial Policy

The Colonies, since the first signs of tension between the people and the Crown, have not in any meaningful sense challenged King George III's legitimacy as a monarch. It has been relentlessly asserted that the Colonies remained the loyal subjects of Great Britain, and as such, entitled to the constitutional rights as those in England.

i. The Olive Branch Petition

The American Colonists, while protesting a large variety of oppressive British impositions, have, at large, reaffirmed their allegiance to the Empire. John Dickinson drafted the Olive Branch of which was adopted by the Second

³⁹ Edmund Burke, *Speech on Conciliation with America*, 1774, in *The Writings and Speeches of Edmund Burke*, ed. P. J. Marshall

Continental Congress in July of 1775.⁴⁰ The petition constitutes a pledge of loyalty to the Empire as “faithful subjects” of King George III.⁴¹ In fact, Dickinson placated to the monarch, placing blame on the officials administering the colonies rather than the king himself. The Olive Branch Petition represented the most sincere desire for reconciliation with Britain while still petitioning for change, especially against Parliamentary abuses.

This appeal to the King was extended to the Crown even after the first blood was shed in Lexington and Concord. Through this appeal, the Colonies asked for a deescalation of the situation while still advocating for their own rights. It did not demand independence nor did it threaten rebellion.⁴²

ii. Redress Pursued by the Colonies Happened Exclusively Through Established Constitutional Channels

Rather than acting with antagonistic intent, the American Colonies have repeatedly sought justice and relief through lawful means, thereby affirming that Colonies themselves have continuously recognized royal authority even at times they found themselves at odds. The Colonies have shown time and again restraint in unilaterally resorting to force, and instead using colonial legislative bodies and to

⁴⁰ Continental Congress. *The Olive Branch Petition*. July 8, 1775. Founders Online, National Archives.

⁴¹ *Ibid.*

⁴² *Ibid.*

issue formal petitions addressed towards the King and the Parliament. Some of these efforts include, but are not limited to the petitions of the Stamp Act Congress in 1765, the Declarations and Resolves of the First Continental Congress in 1774, and the previously mentioned Olive Branch Petition in 1775, even with the onset of the current conflict.

These measures, as an aggregate, demonstrate the adherence the Colonies have towards the English constitutional tradition. Through these efforts, the Colonies have acknowledged the supremacy of the British Crown, while more importantly seeking correction in a legal framework. Even amid the outbreak of bloody conflict, the Colonies resolved to continue efforts through reconciliation and petition rather than through revolution.

iii. The Scope Colonial Demands Limited Themselves to the Restoration of English Liberty; Not Sovereign Separation

It is equally significant the substance of the demands of the American Colonies' as it is the channels through which they petitioned. There was at no point prior to that of Britain's final refusal to compromise with the Colonies did any lawful body demand independence from the Sovereign Crown or the creation of some new political order. All demands put forth by the legislative powers were narrowly tailored

towards the restoration of basic rights that had long been recognized and in force under English law. Objections towards British governance exclusively dealt with supposed inherited rights such as taxation without representation, the autonomy of local government, an independent judiciary, and the long standing prohibition of standing armies without consent.

These contentions put forth are rooted in the same authorities that govern England. The common law, Magna Carta, and English Bill of Rights all support these arguments as past precedents. Resistance towards British authority has always come not as a rejection of sovereignty, but as an effort to restore the natural rights as so promised to Britons. The insistence towards this restoration is not defiance of the rule of law but a desire to preserve it.

B. The Response of the King and Parliament Have Not Been Reconciliation But Repression

i. Systematic Disregard of Colonial Petitions

The petitions, requests, and demands of the colonists have not been met with substantive engagement in any meaningful capacity. The British Parliament has, at best, responded to the colonists with silence and dismissal. Parliament has failed to make any meaningful effort to address the grievances and constitutional concerns of the Colonies in regard to taxation, representation, and self-governance. This attitude has signaled towards the Colonies that their intrinsic rights were, by Parliament, not considered intrinsic.

A government that systematically refuses to hear the complaints of its subjects when it comes to their most fundamental rights leaves no reasonable options for reacquiring what is preordained. Loyalty has been perverted and adulterated into submission and law into command.

ii. Coercive Enforcement and Military escalation

Even worse is the fact that Britain has not only failed to reasonably address its subjects' issues, but it has expanded its military authority within the Colonies and has enforced its contested policies through the means of intimidation and force. Civil governance and engagement

has quickly been replaced with military enforcement. The British have revoked the very charter of the Massachusetts Colony, enforced the Intolerable Acts, and quartered soldiers in homes. While efforts have been made by the colonists to reconcile, the British have only been escalating the conflict further.

iii. The British Government's Declaration of Rebellion and Refusal to Deescalate

King George III stated that the colonies were in open rebellion. This was not a decision that came as a result of failed negotiations, but rather a culmination of a strategy that did not attempt reconciliation at all.

At this point, the British government was making a statement that could be seen as a declaration that the dialogue in the Constitution had come to an end. This is because they had assumed a stance that could not change—a “no step back” stance in terms of coercion that left the colonies with only one option.

C. The Declaration Independence as the Only Solution

As these means for reconciling with Britain had become exhausted, declaring independence from British rule became the only way in which the colonies could guarantee basic rights.

i. The Continental Congress

The *Heads of Grievances and Rights* formally adopted by the Continental Congress on September 9th of 1774.⁴³ The Congress formally asserted the stance that the colonies and their legislatures had the sole and exclusive right to their internal affairs, which most notably includes taxation.⁴⁴ This came in direct opposition to Parliament's prior actions and

⁴³ Heads of Grievances and Rights, Continental Congress, Philadelphia, 9 September 1774.

⁴⁴*IBID*

claims declaring that its “Statutes for taxing the People of the said Colonies, are illegal and void.”⁴⁵ The Congress’s basis for this was that the colonists had inherent rights that should have been upheld by both law and precedent.⁴⁶ This resolution drew the Colonies closer to independence because of its unapologetic stance against the British Parliament. It deemed that Britain had been grossly encroaching on their rights that infringed upon both natural and historical liberties. This line of reasoning would only help to justify further actions.

Naturally, the Continental Congress was quick to build upon their new framework and move past rhetoric to collective defense and economic pressure through the *Motion on Nonexportation and Defense*. This motion was passed on the 30th of September 1774. It gave a direct response that the colonies would enact should the British

⁴⁵*IBID*

⁴⁶*IBID*

continue to infringe upon rights and further aggress.⁴⁷ In this case, the colonies, “ought immediately to cease all Exportations of Goods Wares and Merchandice, to Great Britain, Ireland and the West Indies”.⁴⁸ It additionally called for designating unlawful British arrests as a “Declaration of War”.⁴⁹ The motion created a very defined line between how the colonists viewed themselves and the British. The Congress was very willing to take direct and concrete actions against the British, which as a consequence moved the Colonies closer to independence.

The Continental Congress further agitated relations in their correspondence with British Officials. The Congress's letter to General Gage in 1774, is exemplar of this. The letter warned him should he continue to enforce—what the colonies deemed to be unlawful—acts that would elicit a

⁴⁷Motion on Nonexportation and Defense, Continental Congress, Philadelphia, 30 September 1774.

⁴⁸*IBID*

⁴⁹*IBID*

response, even in his own colony of Massachusetts.⁵⁰ They wrote to him that “the People ought and will be Supported in it,” that being resisting the infringement upon liberty.⁵¹ This move by the Continental Congress was a direct confrontation.

The Congress also furthered to justify their resistance with the *Bill of Rights; a List of Grievances*, published on October 14th, of 1774. This list of grievances listed all sorts of legal violations perpetrated by the British Parliament. For example it said, “That the exercise of legislative power in several colonies, by a Council appointed, during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation”.⁵² This also served to clarify what they saw as the limits of the British authority, which further establishes their legal rationale for resistance.

⁵⁰ Letter to General Gage, Continental Congress, Philadelphia, 10 October 1774.

⁵¹ *IBID*

⁵² The Bill of Rights; a List of Grievances, Continental Congress, Philadelphia, 14 October 1774.

The *Continental Association* from October 20, 1774, like the *Motion on Nonexportation and Defense* also codified a coordinated economic resistance for the colonies, but this time actually executed it. The Association declared “[w]e do...firmly agree and associate, under the sacred Ties of Virtue, Honour, and Love of our Country...to adhere to this Association until...Acts of Parliament...are repealed”.⁵³ The Association was a direct response to the Intolerable Acts and called for a boycott of British goods. It also called for non-importation and consumption across all of the Colonies.⁵⁴ This system created a collective economic unity in protestation of Britain's oppressive mercantilist policies. It also created this de-facto economic sovereignty distinct from the Colonies' British identity.

ii. On the Adoption of the Declaration

⁵³Continental Association, Continental Congress, Philadelphia, 20 October 1774.

⁵⁴*IBID*

The arguments for supporting the Declaration can be grouped into two categories: rhetorically focused arguments found in speeches and pamphlets, exemplified by Patrick Henry and Thomas Paine, and the more comprehensive, deliberative arguments of the Continental Congress.

Patrick Henry framed the choice facing the colonies as one of slavery or freedom. As he declared, the question before the colonies was “not one of reconciliation or provocation but rather slavery or freedom,” using the buildup of British troops as evidence that the King intended to employ instruments of “war” rather than tools of peace. In doing so, Henry emphasized the urgency of action, presenting independence as a necessary response to an immediate threat.

Thomas Paine echoed Henry’s call for urgency, adding that the colonies’ relationship with Britain had always been detrimental. Paine observed that the colonies could not be compelled to supply troops for Britain’s wars in Asia or Africa, and he further asserted that the Crown “does not care about the colonies outside of their utility as a tool for fundraising.” Paine’s writings demonstrate that the colonial grievances were structural: the British government governed the colonies for its own benefit, not for their welfare, leaving no recourse but separation.

The Second Continental Congress reinforced these arguments in a constitutional framework. The Congress affirmed that the role of government is to secure the general

welfare of the people, and that “every single action of the government should be to this end.” Britain, the Congress explained, had failed in this fundamental duty, instead enslaving the colonies through taxation and military occupation. This breach of the social contract rendered “it necessary for [Americans] to close with their last Appeal from Reason to Arms.” The Congress grounded its claim in Lockean principles: when the government fails to protect the people’s rights, the people are obligated to alter or abolish it.

Finally, the Draft of the Declaration of Independence explicitly enumerated the ways in which the British government had violated the natural rights of the colonies. The Declaration declared that these violations infringed upon the colonists’ rights to “life, liberty, and the pursuit of happiness,” providing a clear legal and moral justification for independence. By combining both philosophical argument and documented grievances, the Declaration represents the colonies’ final, lawful remedy after all petitions and appeals to the Crown had been exhausted.

CONCLUSION

King George III's reign has been rendered tyrannical and therefore has lost his authority as monarch. He has restricted the personal liberties of the British subjects in the American colonies. He has rejected the rule of law. Finally, he has failed to promote the common welfare of his subjects in the American colonies. George III's actions towards the dominions in America are of the same spirit and harassment of James II's crimes against the British people. George III has rejected the limitations on monarchical power outlined by James I and the Bill of Rights. He has also failed to fulfill the mandate given to William of Orange during the Glorious Revolution to preserve law and liberty in the English Kingdom. It is because of this violation and disregard for the wellbeing of the subjects residing in the American colonies that the American colonies have been forced to advocate for their independence from the King. This decision to advocate for independence is made out of the recognition of George III's illegitimacy. George III is not able to be deposed like the equally tyrannical James II, so the colonies seek independence. As put forth in the Bill of Rights because King George III has failed the promises that the Glorious Revolution brought forth he is due no allegiance.

Respectfully submitted,

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