

Why America is Great:

The Appeal to Justice

Volume III

Dorsey

Abraham

THE APPEAL TO JUSTICE: A NATION CRIES OUT

“I trust it is obvious to your Lordships that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal.”

—William Pitt, Earl of Chatham, to Parliament

January 20, 1775

What is a nation to do?

To say that America was reluctant to go to war against England would be an understatement. In fact, as little as ten years before the War of Independence, such a thought would have been unthinkable—treasonous—to most Americans. They loved their mother country and were loyal subjects of Great Britain. So how was it that this law-abiding people took up arms *against* their sovereign less than 15 years after fighting another war (the French and Indian) *for* her?

England’s implementation of the Stamp Act in the colonies in 1765 indeed triggered a series of events that would lead to all-out conflict between the two nations in 1775. But during those intervening years, the leaders in the colonies drafted letter after petition, each one more pleading than the one before, to the king and Parliament, appealing for justice and a redress of grievances. The responses—or lack thereof—that they began to receive from England gradually opened their eyes to the nature of the conflict they were in, and gradually formed a solid, moral foundation for America’s declaring independence from Great Britain.

In October of 1765, just weeks before the Stamp Act was to take effect, representatives from nine of the 13 colonies convened in New York City. While some colonial political gatherings turned into rowdy affairs, this was a formal assembly, composed of distinguished gentlemen—lawyers, planters, and merchants, men of property and reputation.¹ All had been affected by British taxes—all represented people affected by the taxes—and all shared an interest in presenting their case to England.



This convention, known as the Stamp Act Congress, wrote an appeal to the king, whom they acknowledged as the guardian of their common law liberties. Presenting their petition “with the warmest sentiments of affection and duty to his Majesty’s Person and Government,” the delegates confessed, “[we] esteem it our indispensable duty to make the following declarations of our humble opinion, respecting the most essential rights and liberties Of the colonists...”² In their appeal, titled *Resolutions of the Stamp Act Congress*, the delegates presented several “resolutions” or statements of their rights, explaining to the king how Parliament had violated each one through the Stamp Act. The colonists argued that, as the king’s lawful subjects, they were entitled to the full rights of Englishmen. One of these “undoubted” rights, they explained, was the right *not* to be taxed without the consent of *their elected representatives*. “[T]he people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain,” they explained. “[T]he only representatives of the people of these colonies, are persons chosen therein by themselves, and...no taxes ever have been, or can be constitutionally imposed on [us], but by [our] respective legislatures.” The delegates claimed that it was “unreasonable and inconsistent with the principles and spirit of the British Constitution, for the people of Great-Britain to grant to His Majesty the property of the colonists.” Addressing the king as the “best of sovereigns,” Congress solicited his help, expressing their ardent desire to preserve a relationship with Britain both “mutually affectionate and advantageous.”³



While at times there were wide differences of opinion throughout the colonies on how to respond to Britain, all 13 colonies responded in a like manner to the Stamp Act. November 1, the day the Stamp Act took effect, was observed as a day of mourning throughout America. The colonies were beginning to look out for each other, to stand together. If Britain had taken notice—had ever devised a ploy at this point to effectively divide opinion in these 13 colonies—it is likely that America would have never won the later war. But across America a unity, buttressed by liberty, was beginning to form that not even the greatest empire in the world would be able to withstand. On New Year’s Day, 1766, in the midst of the controversy, a young John Adams wrote in his journal: “The spirit of liberty is everywhere triumphant. Such a union was never before known in America.”⁴

The Spark of Revolution

Parliament’s resolve to maintain the Stamp Act weakened quickly. First, Parliament began to realize that the stamp tax was impossible to enforce. Second, the act started to backfire on English merchants and businessmen. The day before the Stamp Act had taken effect, more than 200 New York merchants had gathered together and resolved not to import any goods from Britain until the Stamp Act was repealed. In the ensuing weeks, merchants from other colonies, including Massachusetts and Pennsylvania, joined the boycott. Less than three months later, English merchants were suffering financially, and some were going bankrupt.⁵ They begged Parliament to revoke the Stamp Act. “What the devil have you been doing?... [W]e don’t pretend to understand your politics and American matters, but our trade is hurt,” wrote one British politician to the Prime Minister, complaining about the economic suffering his district. “Pray remedy it, and a plague of [*sic*] you if you won’t.”⁶

Third, Parliament itself was divided on the issue—some politicians recognized and acknowledged

the injustice of the tax. William Pitt, a future Prime Minister of Britain, rose from his sickbed to address the assembly on this matter. “I rejoice that America has resisted,” he declared to the House of Commons. “Three millions of people, so dead to all feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest.... [T]he Stamp Act [ought to] be repealed absolutely, totally, and immediately.... because it was founded on an erroneous principle.”⁷

On March 18, 1766, Parliament voted 273–167 to repeal the Stamp Act.⁸ The American colonies erupted in joy, seeing this as a great victory for liberty. But the euphoria wouldn’t last long. On the very same day, Parliament pointedly passed a resolution called the Declaratory Act. The act, little over 300 words, stated bluntly that the “colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain.” It continued, “all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the parliament of Great Britain, to make laws and statutes as aforesaid, is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all in purposes whatsoever.”⁹ The act was Parliament’s way of warning the colonists that the Stamp Act repeal was in no way a change in policy. King George was still sovereign over the colonies, and Parliament had every intention of enforcing that power over the colonies whenever—and in whatever way—it deemed fit. It was a sign that the conflict between England and America had not been resolved—only temporarily stilled.

Indeed, within months of the repeal, Parliament passed the Townshend Act (named for Charles Townshend, Chancellor of the Exchequer), laying duties on paper, lead, paint, and tea. This time, the duties had the unintended affect of uniting, in cause, the merchant classes with radical firebrands like the Sons of Liberty, who had been protesting the encroachment of English power for years.¹⁰ In response to the Townshend Act, the merchants of Boston formed a pact with each other, agreeing not to import certain British goods. Within the course of two or three years, groups in every colony had instituted non-importation agreements. Common people also took up the cause through boycotts, refusing to buy British cloth, tea, and other items. In 1770, Parliament gave in to the pressure and repealed the Townshend duties with the exception of one—the duty on tea. Then, in 1773, Parliament passed the Tea Act, permitting the East India Company—which was in desperate financial straits—to sell its tea in the colonies without having to go through a middleman. The colonists’ indignation continued to mount throughout the year and finally erupted in December, when several colonists raided a British merchant vessel and dumped its entire cargo of tea into Boston Harbor. The stunt—later called the Boston Tea Party—was a watershed moment.



King George was outraged. So was Parliament, which proceeded to pass a series of punitive measures called the Coercive Acts. One of these effectively transferred the government of Massachusetts from the colonists to the British authorities. Henceforth, most public officials—from the chief justice down to the local sheriff—were to be appointed by the royal governor. Next, colonists were forbidden to hold town meetings or assemblies without permission. Further, Parliament revised the controversial Quartering Act, which required colonists not only to shelter British troops in their homes but also to provide them with beer and rum. Lastly, Parliament declared that the port of

Boston was now closed and would remain so until the colonists paid for the tea they had destroyed.

Leaders on both sides of the Atlantic quietly began preparing for the possibility of armed conflict.¹¹

In September 1774, nearly 50 representatives from 12 of the colonies met in Philadelphia for what would become the First Continental Congress. Like their predecessors in the Stamp Act Congress, the delegates wrote a letter of complaint to the king. In contrast to the humble tone of the Stamp Act resolutions, however, this missive was more formal and astute. This was not a mere appeal, but a set of “resolves”—now known as the *Declaration and Resolves of the First Continental Congress*. Making a clear distinction between the peoples of England and the colonists of America, the delegates complained that, “since the close of the last war, the *British parliament*, claiming a power, of right, to bind the *people of America* by statutes in all cases whatsoever, hath... expressly imposed taxes on them... under various pretexts, but in fact for the purpose of raising a revenue....”¹²

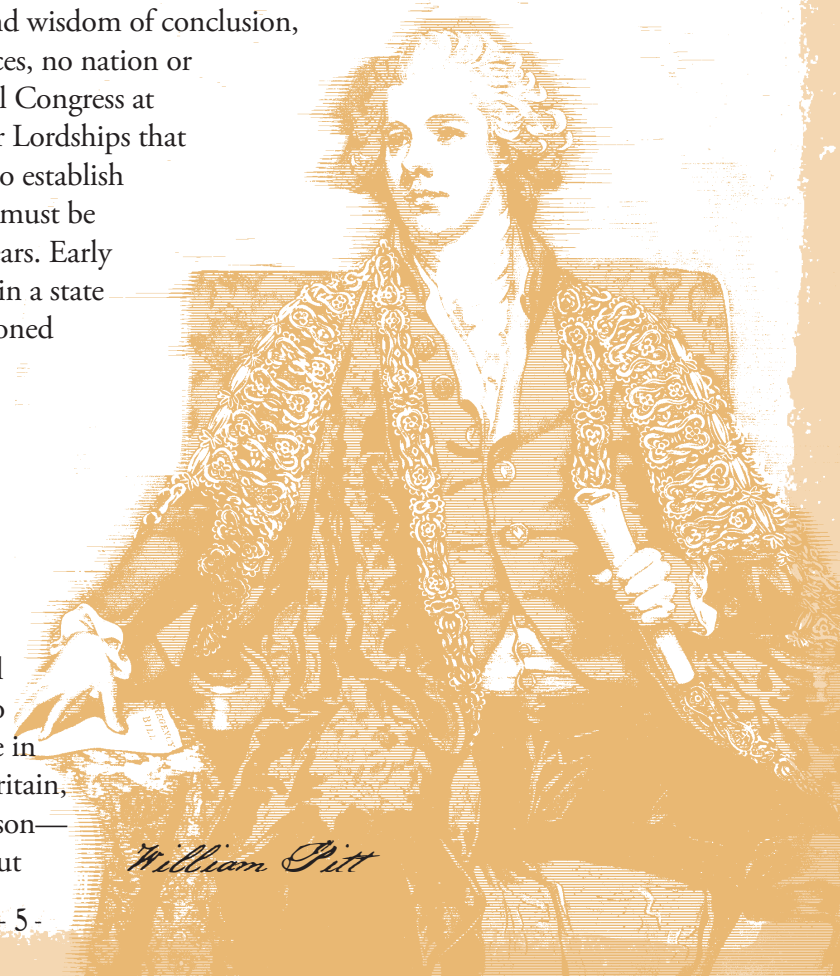
The declaration proceeded to confront the Coercive Acts as “impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.” The representatives, still, did not blame the king for their grievances, but faulted his ministers: “And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt, by his Majesty’s ministers of state.” In closing, the delegates explained that “for the present,” they would “prepare an address to the people of Great-Britain, and a memorial to the inhabitants of British America [as well as] a loyal address to his majesty, agreeable to resolutions already entered into.”¹³

The declaration sparked a debate in the House of Commons. William Pitt, who had long been a champion of the Americans, again spoke in their defense. While he disapproved of the violence and insolence of the more radical colonials, Pitt staunchly defended the colonists’ freedoms and their right to appropriate self-government under British authority. He urged his colleagues to consider the respectful tone of the Congress’s declaration and the character of those who wrote it. “[F]or solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general Congress at Philadelphia,” he said. “I trust it is obvious to your Lordships that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal.”¹⁴ Pitt’s prophecy fell on deaf ears. Early in 1775, Parliament declared Massachusetts to be in a state of official rebellion against the Crown, and it stationed British troops in America to suppress resistance.

Several weeks later, a firefight broke out between a British regiment and a band of armed colonists at Lexington and Concord, Massachusetts. The American Revolution had begun.

An Olive Branch Rejected

The spring of 1775 was grim. A sober Continental Congress reconvened in Philadelphia and began to discuss preparations for war. Several delegates were in favor of America’s declaring independence from Britain, believing there was no chance—and no sound reason—for trying to reconcile with the mother country. But



William Pitt

many other delegates, and a great number of the people, still hoped for peace. So Congress drafted one more petition to King George.

In this letter, known as the Olive Branch Petition, the delegates pleaded with the king for redress, stressing still their loyalty to him and their desire for reconciliation:

We beg...leave to assure your Majesty, that notwithstanding the sufferings of your loyal colonists, during the course of the present controversy, our breasts retain 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.”

They continued,

...the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your Majesty will find your faithful subjects on this continent ready and willing at all times, as they ever have been, with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of the Mother country.¹⁵

As they drafted the Olive Branch Petition, the Continental Congress also approved another document, a *Declaration of Causes and Necessity of Taking Up Arms*, to explain to the world why they were offering armed resistance against Britain. This declaration made no excuses. “If it was possible for men, who exercise their reason to believe, that the divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others,” they wrote, “the inhabitants of these colonies might at least require from the parliament of Great-Britain some evidence, that this dreadful authority over them, has been granted to that body. But,” they protested, “a reverence for our Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end.”¹⁶ Because the government of Great Britain had failed in this duty, explained the delegates, and had insisted on violating their rights repeatedly, the colonists were forced to change their appeal “from reason to arms.”

Even in this declaration, however—as in other correspondence—the members of Congress still indicated their willingness to reconcile. “[I]n defense of the freedom that is our birthright, and which we ever enjoyed till the late violation of it—for the protection of our property...against violence actually offered, we have taken up arms,” they insisted. “We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.”¹⁷



In July 1775, the Continental Congress sent two men to hand-deliver the Olive Branch Petition to England. They later received word that King George had refused to even read it. Instead, he had issued a proclamation declaring all 13 colonies to be in a state of rebellion; soon after, he also ordered them closed to trade. The king began sending thousands of British troops to the colonies and also hired a number of fearsome German mercenaries, Hessians, to chastise his rebellious American subjects.

The Americans realized that the king had turned his back on them, and had abdicated his duty to uphold their rights. He had made his decision, and now they had a responsibility to make theirs.

“Rays of Ravishing Light and Glory”

In the sweltering summer of 1776, the Continental Congress produced a new document—the *Declaration of Independence*. It addressed not Parliament, not the king, not the people of Great Britain. It addressed all mankind and the generations to come. “[L]et facts be submitted to a candid world,” wrote the Congress in introduction. Their appeal now was to “the Supreme Judge of the world,” and to “the laws of nature and nature’s God.” Speaking for all Americans, the Congress was careful to explain the principles upon which they were separating from England:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.¹⁸

They proceeded to lay a philosophical foundation for the declaration, encapsulated in five “self-evident” truths: “That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed”; and, lastly, “that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government...”¹⁹

The delegates proceeded to place blame directly at the feet of King George as they enumerated the many ways in which he had personally violated not only their liberties but also *his* responsibilities as their authority. “The history of the present King of Great Britain is a history of repeated injuries and usurpations,” they declared. Within the long list of abuses they specified:

“He has refused his assent to laws, the most wholesome and necessary for the public good....

“He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people....

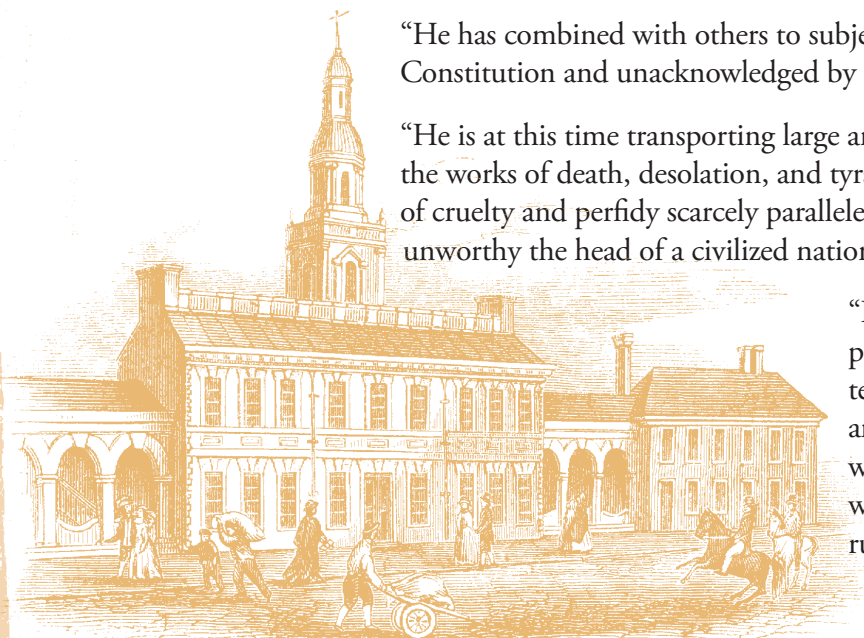
“He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries....

“He has kept among us, in times of peace, standing armies, without the consent of our legislatures....

“He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws....

“He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation....

“In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.”²⁰



Congress also blamed the English people for ignoring the pleas of their American brethren: “We have appealed to their native justice and magnanimity,” they said, “and we have conjured them, by the ties of our common kindred, to disavow these usurpations.... They too, have been deaf to the voice of justice and of consanguinity. We must...hold them as we hold the rest of mankind, enemies in war, in peace friends.”²¹

Congress formally adopted the declaration on July 4. This time, the colonists didn't wait for King George to respond. They were an independent nation now, and they had a war to fight. The future was uncertain, but Americans realized the significance of their decision. The same week that Congress voted for independence, John Adams wrote home to his wife, Abigail: “I am well aware of the Toil and Blood and Treasure, that it will cost Us to maintain this Declaration, and support and defend these States. —Yet through all the Gloom I can see the Rays of ravishing Light and Glory. I can see that the End is more than worth all the Means.”²²

Endnotes

- 1 Catherine Drinker Bowen, *John Adams and the American Revolution* (Old Saybrook, CT: Konecky & Konecky, 1949), 280.
- 2 *Resolutions of the Stamp Act Congress*, October 19, 1765; accessed online at The Avalon Project, Yale Law School, Lillian Goldman Law Library, http://avalon.law.yale.edu/18th_century/resolu65.asp.
- 3 Ibid.
- 4 Bowen, 292.
- 5 Arthur M. Schlesinger, Jr., ed. *The Almanac of American History* (New York: G.P. Putman's Sons, 1983), 102-103.
- 6 Member of Parliament for Yorkshire, quoted in Bowen, 292.
- 7 William Pitt (the Elder), speech in reply to Grenville, House of Commons, January 14, 1766. Beloff, Max, ed. *The Debate on the American Revolution: 1761-1783*, 2nd ed. (London: Adam & Charles Black, 1960), 100, 105.
- 8 Bowen, 293.
- 9 *The Declaratory Act*, March 18, 1766; accessed online at The Avalon Project, Yale Law School, http://avalon.law.yale.edu/18th_century/declaratory_act_1766.asp.
- 10 Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965), 197-198.
- 11 John Ferling, *Almost a Miracle: The American Victory in the War of Independence* (New York: Oxford University Press, 2007), 28.
- 12 *Declaration and Resolves of the First Continental Congress*, October 14, 1774; accessed online at The Avalon Project, Yale Law School, Lillian Goldman Law Library, http://avalon.law.yale.edu/18th_century/resolves.asp. Emphasis added.
- 13 Ibid.
- 14 William Pitt, Earl of Chatham, to the House of Commons, “On Removing the Troops from Boston,” January 20, 1775.
- 15 *Journals of the Continental Congress – Petition to the King; July 8, 1775*; accessed online at The Avalon Project, Yale Law School, Lillian Goldman Law Library, http://avalon.law.yale.edu/18th_century/contcong_07-08-75.asp.
- 16 *Declaration of Causes and Necessity of Taking Up Arms*, July 6, 1775; accessed online at The Avalon Project, Yale Law School, Lillian Goldman Law Library, http://avalon.law.yale.edu/18th_century/arms.asp.
- 17 Ibid.
- 18 *Declaration of Independence*, 4 July 1776; accessed online at The Avalon Project, Yale Law School, Lillian Goldman Law Library, http://avalon.law.yale.edu/18th_century/declare.asp.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 John Adams to Abigail Adams, 3 July 1776, quoted in William Bennett, ed. *Our Sacred Honor: Words of Advice from the Founders in Stories, Letters, Poems, and Speeches* (New York: Simon and Schuster, 1997), 64.



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