

PART 4: REVOLUTION AND FOUNDING

Nothing is more fundamental to the freedom of Americans today than the American Revolution and Founding Era of American history. This was the time that freedom was reborn, after a nearly two thousand-year slumber since ancient Greece & Rome. In this part of the course, we will study the story of America's Founding Fathers, who were both the leaders of the thirteen colonies in their struggle for rights against the British monarchy, and the leaders of the newly formed United States of America as its first presidents, guiding the nation in its infancy as the first country in history dedicated to the protection of individual rights.

I. Prelude to the Revolution

A. The Writs of Assistance Case (1761)

1. Britain had defeated France in the Colonial Wars, but now it faced two new challenges: 1) a much larger territory to manage, and, since it had been unable to finance its wars with France through taxation alone, 2) a very large debt to pay.
2. Britain had long had made rules to allow the king to get as much money as possible from his colonies. Among these rules were the Navigation Acts, starting in 1660, which forced colonists to trade only with Britain, and to pay a tax called a "duty" when bringing goods to England.
3. The Navigation Acts were a reflection of the idea that colonies were created to serve the home country.
4. To avoid such taxes American colonists often traded directly with other colonies anyway, including the colonies of other countries. This *smuggling* was strictly illegal, but it was considered normal and it was tolerated.
5. As the Colonial Wars came to an end, however, the British government needed more money and it decided to stop all smuggling in order to insure sufficient tax revenues.
6. Government officers were given "writs of assistance," special permission slips that allowed them to search anyone's property anytime, to look for smuggled goods.
7. This unlimited power to invade someone's property was against English traditions going back to the Magna Carta of 1215, which said that even the king was not above the limits of the law.
8. In 1761 a lawsuit was brought against the government by colonists in New England, and a Boston lawyer named James Otis argued that the "writs of assistance" were against the "rights of Englishmen."
9. Otis did not win the case, but his arguments became famous and the colonists began to worry about how their rights were being violated by the British government. As the events of the subsequent years unfolded, the actions of the British government were increasingly seen in light of the idea of "rights," and the gradual clarification of this concept forms the heart of the American Revolution.

B. The Proclamation of 1763

1. When the French and Indian War was finally settled in 1763, the British government did not want to have to manage all the new territory it had taken from France.
2. It announced a law, known as the Proclamation of 1763, that forbade American colonists from moving into this new territory.
3. This angered the colonists, especially those in Virginia who had organized the Ohio Company to take over that territory and fought to win it from the French.

C. The Sugar Act (1764)

1. In 1764, the tax on importing Molasses (obtained from sugarcane) was lowered by half. Who could complain about that?!
2. It may seem surprising that this would have angered the British colonists in America, but not when you consider that:
 - a) The previous tax was never really collected because smuggling was tolerated.
 - b) Smuggling was now going to be stopped by using British warships to track smugglers.
 - c) Smugglers would not be allowed a trial by jury (an English tradition since the time of Henry II). Instead they would be taken to another colony, or to England, for a military trial. (Once again, the “rights of Englishmen” were being infringed by the home country.)