

C. The Writs of Assistance Case and the Coming of the American Revolution

1. The story of how the English theory of rights gave way to the American theory is called the American Revolution.
2. England had laws which forced colonists to trade only with Britain and to pay a taxes called “duties” when bringing goods to and from England.
3. Because such taxes were onerous, American colonists often traded directly with other colonies, including the colonies of other countries, but this activity was strictly illegal and called “*smuggling*” even though it was considered normal and it was tolerated.
4. As the Colonial Wars came to an end, however, the British government was desperate to pay for the war, and gave its tax officials “writs of assistance”—special permission slips that allowed them to search anyone's property anytime, to look for smuggled goods.
5. This unlimited power to invade someone's property was against English traditions going back to the Magna Carta of 1215.
6. 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.”
7. Otis did not win the case, but his arguments became famous and the colonists began to worry about how they were being treated by the British government.



James Otis protests the Writs of Assistance in court (1761, above) and Patrick Henry protests the Stamp Act in the House of Burgesses (1765, right), leading to a crisis of rights, in which Americans became convinced their rights could not be secured as Englishmen, and their natural rights justified independence.



D. From Writs to Stamps to Tea

1. As anti-smuggling activity intensified, with the British government even using its military to police the American coast, a new kind of tax law was proposed in 1765. It placed taxes on the use of paper in the American colonies. It required that stamps be placed on a legal documents, such as diplomas, newspapers, and licenses.
2. The stamps could only be obtained at government offices, and a payment was required.
3. Previously, the British government had only placed taxes on goods that moved between the colonies and the mother country (Britain). This was believed proper because the colony had been created to help the mother country avoid trade with other countries.
4. The Stamp Act, however, was a tax on a product being used only within the colonies. It had nothing to do with trade with the home country. In this way it was a new kind of tax.

5. In the Virginia House of Burgesses, a representative named Patrick Henry stood forward to argue that the Stamp Act was an unjust tax.
6. Henry explained that according to British traditions, going back to the Magna Carta that only a Parliament where the people were represented could tax them.
7. Since the only parliaments where American colonists were represented were in their own colonies, these were the only parliaments that could tax them. This argument became a famous phrase: “No taxation without representation!”
8. This point of view was embodied in the “Virginia Resolves,” a set of published statements by Virginia’s leader that complained that they were being taxed unfairly by the British parliament.
9. When it came time for the stamps to first be collected according to the new law, nobody was willing to buy them. After a while, people resumed their normal lives as if the law did not exist.
10. This rejection of the law was so widespread, that the British parliament did not know how to react. They decided to repeal the law, and try something else.
11. On the same day that the Parliament repealed the law, it passed another law, the Declaratory Act, which asserted that the Parliament had the right to impose any tax it chose on the colonies.
12. The next year it created a new set of duties on various products being imported into the colonies, including paper, paint, glass, *and tea*. This was done through the Townshend Acts of 1767, which led to a new round of confrontations between the colonists and the mother country.
13. In particular, when violent colonial protestors were fired upon by soldiers, and a few were killed in what the colonists called the “Boston Massacre,” the British government backed down, only keeping the tax on tea.
14. The colonists believed this was a trick, to get them to accept new taxes, which could be raised later, when people were used to paying them.
15. When a cargo of tea arrived in Boston in 1773, protestors known as “the Sons of Liberty” dressed up as Indians, jumped on board the ship, and dumped the tea into the harbor. This is known as the “Boston Tea Party.”
16. Of course, the British government could not allow property to be destroyed in this way, without punishing those responsible...

E. Rebellion and Independence

1. A military commander was appointed to govern Massachusetts, and he sent troops inland to capture militia supplies in a town near Boston called Concord to prevent criminals or rebels from using it. On their way there, they encountered a group of Massachusetts militia called “minutemen” at the town of Lexington. It is impossible to know exactly what happened, but someone fired a shot, and a battle followed. The “Battles of Lexington and Concord” marked the beginning of the revolution.
2. In order to explain why the colonies had rebelled and what they stood for, the congress asked Thomas Jefferson to write a declaration.
3. In this famous document, Jefferson explained that all governments must protect the “unalienable rights” of individuals to “*life, liberty, and the pursuit of happiness.*”
4. When government attack peoples' rights, according to Jefferson, it is also a right of the people to “alter or abolish” their government, and create a new government that protects them.
5. The Declaration of Independence was approved by representatives of all thirteen colonies on July 4, 1776, which is considered the birth date of the United States.

F. Revolutionary War

1. America's appointed commander, George Washington, could not prevent the British from capturing New York City with his still untrained army. He retreated through New Jersey and crossed the Delaware River into Pennsylvania just as the river was starting to freeze over.
2. The enemy did not follow. They chose instead to make camp at Trenton, New Jersey, for the winter.
3. On Christmas night, 1776, Washington crossed the Delaware again, this time to launch a surprise attack, which was a great success. This Battle of Trenton became famous around the world.
4. In 1777, another American victory at Saratoga, New York showed that America did stand a chance, which led to an all-important military alliance with France, which was looking for revenge against Britain for the Seven Years' War.
5. After their defeat at Saratoga, the British gave up on conquering the north first. They switched their attention to the southern colonies.
6. The British general Cornwallis was put in charge of this effort, but to be able to reach New York and protect it, Cornwallis was encamped on the coast of Virginia, at Yorktown, where luck and good planning produced a perfect opportunity for America and its allies. The French fleet that had finally arrived bottled up the British, and the American army surrounded it there, forcing Cornwallis to surrender.
7. After the Battle of Yorktown (1781), the British were demoralized, and the resolution of the conflict was almost a formality. In 1783, the Treaty of Paris was agreed to, and American independence was recognized by Britain.



Washington's *Crossing of the Delaware* (left) and victory at the Battle of Trenton, along with other victories, led to a critical military alliance with France, which made possible the American victory at the Battle of Yorktown and the surrender of Lord Cornwallis. (1781, right). With the Revolutionary War won, however, the greater challenge of forging a permanent union was before the Founding Fathers.

G. Creating a New Government

1. When the war with Britain was won, the thirteen colonies, now thirteen states, were still very much separate, and there were many reasons why they might never form a single country.
 - a) They were geographically far apart from each other (given the transportation methods of the time).
 - b) They had separate governments, such as the House of Burgesses for Virginia.
 - c) Along with the rest of the world, the southern states believed slavery was normal and should continue. The northern states were beginning to reject this idea.

- e) At least four different states had contradictory claims to land to the west (all the way to the Mississippi River, as granted by the Treaty of Paris).
 - f) Although virtually all Americans were Christians, each state had unique religious traditions. Some were Catholic (following the authority of the Pope), some were Anglican (following a uniquely English version of Christianity), some Puritan, following the ideas of a religious teacher named John Calvin; and there were still other such sects. America had in fact attracted them as it was a place where they could live apart from the conflicts over religion back in Europe.
2. Despite disagreeing over many things the people of the separate states did have a continental congress, where they worked together as the “United States of America,” according to rules called the “Articles of Confederation.”
 3. And all the American people also believed in defending their rights, and that is was crucial for them to work together so that they could remain independent.

B. The Rise of a New Country

1. To get over their differences, it was necessary for the states to compromise over the things they disagreed about.
2. Virginia, which had the strongest claim to the new western lands, decided to give up its claim so that the United States could have it.
3. Then Thomas Jefferson proposed a plan to organize this territory into ten new states, where no slavery would be allowed, but his plan was rejected by the southern states, because they wanted to protect slavery into the future.
4. Therefore a compromise was created dividing the new land into a Northwest Territory, where there would be no slavery, and a SW territory, where slavery would be allowed. This was the first important compromise between the states in the name of creating a new country, and sadly, it allowed slavery to continue in a country that had been born in the name of individual rights.
5. Finally the representatives of the continental congress decided they should have a special meetings dedicated to improving the Articles of Confederation.
6. When they assembled, they realized that the better option was to start from scratch and create a new set of laws for all the colonies: the Constitution.
7. When this new set of laws was accepted by enough of the states, an election was held, and George Washington was chosen as the country’s (*and the world’s*) first president in 1789.