

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

1. The birth of the American theory of rights is called the American Revolution.
2. It began as the Seven Years' war came to an end, when the British government was desperate to pay for the war. It gave its tax officials "writs of assistance"—special *written* permission slips that allowed them to search anyone's property anytime, to look for smuggled goods.
3. This unlimited power to invade someone's property was against English traditions going back to the Magna Carta of 1215.
4. 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." He didn't win. But the case became a famous protest.



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. The British government also created a new kind of tax law 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, and a tax paid for the stamp.
2. 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.
3. 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.
4. In the Virginia House of Burgesses, Patrick Henry argued that the Stamp Act was unjust.
5. 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. This became a famous phrase: "No taxation without representation!"
6. 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.
7. 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.

8. The next year the British parliament 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.
9. Colonists protested these taxes, and in an especially violent protest they were fired upon by soldiers. A few were killed in what the colonists called the “Boston Massacre.” Afterward, British government backed down, only keeping the tax on tea.
10. 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.
11. When a cargo of tea arrived in Boston in 1773, the protesters dressed up as Indians, jumped on board the ship, and dumped the tea into the harbor. This is known as the “Boston Tea Party.”

E. Rebellion and Independence

1. To stop crimes like the Boston Tea Party, a military commander was put in charge of Massachusetts, and he sent troops inland to capture weapons 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 Thomas Jefferson wrote the Declaration of Independence that said the colonists were defending the “unalienable rights” of individuals to “**life, liberty, and the pursuit of happiness.**”
3. 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.
2. Washington retreated through New Jersey to Pennsylvania, but then on Christmas night, 1776, Washington crossed the Delaware river back into New Jersey. The Battle of Trenton that followed became famous around the world, and it led to a military alliance with France, which was looking for revenge against Britain for the Seven Years’ War.



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).

3. Luck and good planning produced a perfect opportunity for America and its allies, when the British commander Cornwallis allowed himself to be surrounded on the coast at Yorktown, Virginia by the French fleet and the American army.
4. After the Battle of Yorktown (1781), the British were demoralized. In 1783, the Treaty of Paris was agreed to, and American independence was recognized by Britain.

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.
 - b) They were geographically far apart from each other (given the transportation methods of the time).
 - c) They had separate governments, such as the House of Burgesses for Virginia.
 - d) 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) The colonists were almost all Christians, but they disagreed about Christianity, and followed different versions of Christianity called "sects."
2. 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. It was necessary for the states to compromise to create a Union.
2. Virginia took the lead and gave up its land claims to the West.
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. Then the states agreed to a new set of laws for all the colonies: the Constitution.
6. 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.