



John Adams & the Boston Massacre Trials

Most, if not all, U.S. history textbooks give some coverage to the “Boston Massacre.” Dialogue participants should be somewhat familiar with that historical event. But what about the trials that followed it? What really happened? What was John Adams’s role in those trials? What is its significance for American law and history?

Start the Dialogue by asking participants:

Who was John Adams? What do you know about him?

Elicit responses. Focus on Adams’s accomplishments beyond his role in the Boston Massacre. Provide basic information as needed. Adams was our nation’s second president and became our first lawyer-president in 1797. He was a resistance leader, political activist, patriot, advocate, diplomat, constitutional theorist, and, of course, lawyer and statesman. Adams developed one of the largest legal practices in colonial Massachusetts—by 1770, he was one of the most prominent lawyers in Massachusetts. Adams is famously associated with the phrase, “a government of laws, and not of men.” It expressed his firmly held belief in the rule of law as the foundation for republican government and political liberty.

Distribute the Handout for Part 1. Ask participants to read “The Boston Massacre: What Happened?” You may either ask them to read it silently or call on participants to read the two paragraphs.

Ask participants:

What was the “Boston Massacre”? What happened?

Follow up to elicit responses:

When and where did it occur? What caused it to happen? Who was involved and what did they do?

Elicit answers from participants. If you receive answers that are inaccurate, incomplete, or uncertain, ask other participants to respond. Fill in omissions or information or (tactfully) make corrections, as needed. But don’t let participants provide too many details—just be sure they have the basic facts covered in the “Student Handout: The Boston Massacre” before continuing the Dialogue. Limit discussion to the events of March 5, 1770, not to the trials that followed.

Next, ask:

Imagine you are back in the year 1770.

The place: the city of Boston. Remind participants that, for more than three years, there has been unrest resulting from the Townshend Acts. Tensions, general distrust, and even hatred exist between the British soldiers and the colonists. Remind participants, however, that 1770 is five years before the American Revolutionary War begins and even colonists resisting British tyranny are not yet thinking of independence from rule by the British crown.

On March 5, the “Boston Massacre” occurs, greatly escalating tensions and animosity between Bostonians and the British military occupiers. British Captain Preston and soldiers under his command are arrested and indicted. They are placed on trial in Boston courts for killing the five colonists. Many lawyers in Boston are reluctant to represent the accused. Who would defend them? Captain Preston asks John Adams—a prominent Boston lawyer and outspoken critic of the British occupation—to take his case as his lawyer

Ask:

Why do you think Captain Preston and the soldiers need a lawyer? Could they have gone to trial without lawyers representing them? Should we assume that they are probably guilty because they were arrested? Why or why not?

Emphasize that our legal system, even back to colonial times, relies on an “adversarial process,” in which two sides in a courtroom proceeding have the opportunity to introduce evidence (according to prescribed rules of admissibility) and witnesses to present their side of the case. They can question their own witnesses and those of the other side. Critical to this process is a “right to counsel,” which means that, in a criminal proceeding, defendants (the accused) have the right to be represented

by legal counsel, who present their case against that made by the prosecutor, who represents the state. An adversarial legal system assumes certain procedural protections (due process of law)—one of the most important and fundamental of these is a presumption of innocence in criminal proceedings (whether in 1770 Boston or today).

Refer to the Handout,

“Deciding to Take the Case: Josiah Quincy, Jr.”

Select two participants.

Ask them to read the excerpts from the father and son, respectively.

Now ask:

Why does the father say he is “anxious and distressed?” Why does the son argue that “people will one day rejoice” that he has become an advocate for the accused?

Should lawyer John Adams take the case? Should he defend the accused British officer and soldiers?

What did Adams have to lose in taking the case? What might he gain? If they were in John Adams’s place, would they take the case? Why or why not? On what would they base their decision?

Of course, John Adams did agree to take on the defense of both Captain Preston and the British soldiers.

Discuss:

It is October 21, 1770. The trial for Captain Preston is about to begin. Upon learning that the court had determined that Captain Preston would be tried separately from them, the soldiers object. They write a letter to the court, arguing:

“We poor distressed prisoners beg that ye would be so good as to let us have our trial at the same time with our Captain, for we did our Captain’s orders, and if we do not obey his command should have been confined and shot for not doing it.”

Ask a participant to read this letter aloud.

Then ask:

Should the British officer and soldiers be tried separately or together?

Why would a combined trial be to the soldiers’ advantage? Would it be to Captain Preston’s advantage? Do you think the soldiers were all telling the truth when they said they were simply following orders?

The Trials and the Verdicts

Explain that the court did not agree to the soldiers’ request. They proceeded with two trials, one for Captain Preston (Rex v. Preston) and a second for the soldiers (Rex v. Wemms, et al). Preston’s trial began in October 1770. Ably defended by Adams, who cast doubt as to whether Preston gave orders to shoot, the jury acquitted the British captain. The trial of the eight soldiers began in late November. Adams argued that the soldiers had fired in self-defense and that the protestors were an unruly mob. The jury acquitted six of the soldiers and found the other two, who had been proven to have fired their weapons, guilty of manslaughter. Their punishment was to have their thumbs branded.

Have participants look closely at Paul Revere’s engraving of the Boston Massacre.

Ask:

What does the engraving depict? Tell me everything you see? What story is being told? From what you know, is it accurate? Why or why not?

Point out that the engraving shows the British officer raising his sword and evidently giving an order to shoot. Adams cast doubt on this and Preston was acquitted. Remind participants that Revere’s engraving represents a particular point of view and interpretation of the events. According to the Boston Massacre Historical Society, it is “long on political propoganda and short on accuracy or aesthetics.” See www.bostonmassacre.net/gravure.htm.

Refer participants to Handout “John Adams Reflects.” Point out that this handout includes three excerpts dated March 5, 1773, from the diary he kept. That date was exactly three years after the Boston Massacre. In these entries, he reflects on that event.

Have participants review the handout. As an alternative, you may wish to select three participants and ask them each to read one of the three diary entries aloud.

Ask:

By his own account, why did John Adams defend the British? Why would he feel it was his duty to defend them?

How did it affect him? Did he think he did the right thing?

Do you think his reasons were good and his decision right? What does he say about his wife’s and the public’s reaction to his taking the case?

Why is John Adams's role in the Boston Massacre trial significant today?

Explain that John Adams's role in the Boston Massacre trials has come to be seen as a notable model of adherence to the rule of law and defense of the rights of the accused, even in cases when advocates may represent unpopular clients and become involved in matters that generate public controversy.

For a contemporary illustration of this, 19 prominent lawyers signed an open letter in March 2010 supporting the role of lawyers in defending Guantanamo detainees by declaring, "The American tradition of zealous representation of unpopular clients is at least as old as John Adams's representation of the British soldiers charged in the Boston massacre."

Sources

Primary sources in this Dialogue are available at the two sites listed below. They also provide other useful information about the Boston Massacre, including the trials.

Boston Massacre Historical Society
www.bostonmassacre.net/

Famous Trials: Boston Massacre by Douglas Linder
www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/bostonmassacre.html



Paul Revere's engraving of the Boston Massacre

The Boston Massacre: what Happened?

American colonies were under the rule of the British crown. Massachusetts colonists had actively resisted what they considered unfair taxes imposed by the British Parliament with the 1767 passage of the Townshend Acts. Protests ranged from the halls of the Massachusetts House of Representatives to the shipyards of Boston Harbor to city streets. Beginning in 1768, British troops began arriving in Boston to enforce order. By 1770, they numbered 4,000. Boston then had just 20,000 residents. The Boston Massacre took place five years before the American Revolutionary War began.

On the evening of March 5, 1770, British soldiers fired into a crowd of protesters who had gathered near the Customs House on King Street in Boston. The soldiers were under the command of Captain Thomas Preston. Five colonists died, including Crispus Attucks, a man of Native American and African American descent. The term *massacre* quickly became associated with the event, which others characterized as a riot—depending on the point of view as to what happened and why. Some argued the soldiers were provoked with hurled insults, snowballs, oyster shells, and other objects. Others claimed the soldiers violently overreacted. Captain Preston and eight of his men were arrested and indicted for murder.

Deciding to Take the Case: Josiah Quincy, Jr.

Joining John Adams on his defense team was a young attorney by the name of Josiah Quincy, Jr. The letter Quincy received from his father in 1770 suggests the dilemma that John Adams also faced in deciding whether to defend the accused British soldiers. Excerpts from their correspondence follow:

The Father's Letter: "My dear Son, I am under great affliction, at hearing the bitterest reproaches uttered against you, for having become an advocate for those criminals who are charged with the murder of their fellow-citizens. Good God! Is it possible? I will not believe it ... Your anxious and distressed parent, Josiah Quincy."

The Son's Reply: "Honored Sir, ... I refused all engagement, until advised and urged to undertake it, by an Adams, a Hancock, a Molineux, a Cushing, a Henshaw, a Pemberton, a Warren, a Cooper, and a Phillips ... I dare affirm, that you, and this whole people will one day REJOICE, that I became an advocate for the aforesaid "criminals," charged with the murder of our fellow citizens. I am, truly and affectionately, your son, Josiah Quincy Jun."

John Adams Reflects

Read the following two diary entries by John Adams concerning his involvement in the Boston Massacre trials. Both entries date from March 5, 1773, three years after the Boston Massacre.

Diary Entry 1: "I ... devoted myself to endless labour and Anxiety if not to infamy and death, and that for nothing, except, what indeed was and ought to be all in all, a sense of duty. ... The Part I took in Defence of Captain Preston and the Soldiers, procured me Anxiety, and Obloquy [bad-mouthing] enough. It was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of Service I ever rendered my Country. Judgment of Death against those Soldiers would have been as foul a Stain upon this Country as the Executions of the Quakers or Witches, anciently. As the Evidence was, the Verdict of the Jury was exactly right.

Diary Entry 2: "... In the Evening [of the trials] I expressed to Mrs. Adams all my Apprehensions: That excellent Lady, who has always encouraged me, burst into a flood of Tears, but said she was very sensible of all the Danger to her and to our Children as well as to me, but she thought I had done as I ought, she was very willing to share in all that was to come and place her trust in Providence.

Diary Entry 3: "[Eighteen Guineas was] ... all the pecuniary Reward I ever had for fourteen or fifteen days labour, in the most exhausting and fatiguing Causes I ever tried: for hazarding a Popularity very general and very hardly earned: and for incurring a Clamour and popular Suspicions and prejudices, which are not yet worn out and never will be forgotten as long as History of this Period is read."

www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/diaryentries.html



Paul Revere's engraving of the Boston Massacre