

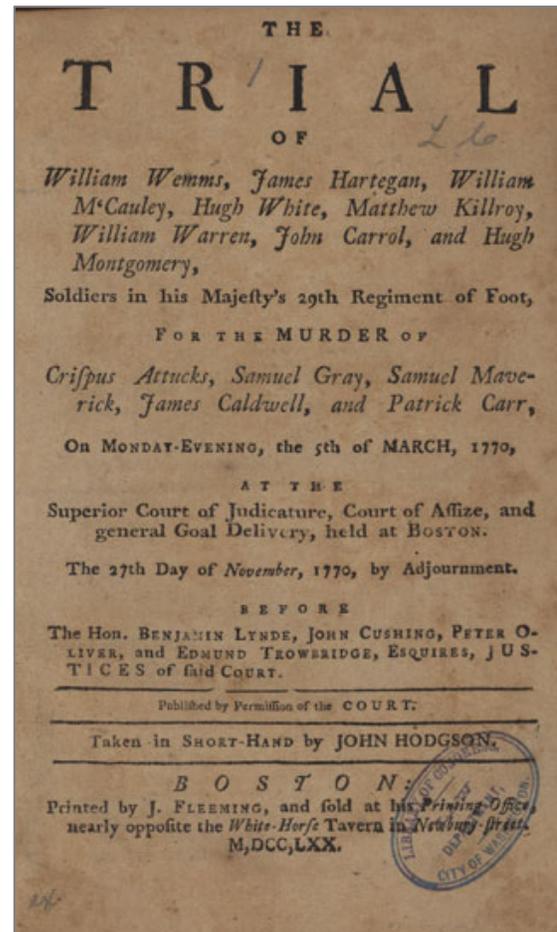
## John Adams and the Boston Massacre Trials

On March 5, 1770, British soldiers fired on a mob of colonists in Boston. This incident, known as the Boston Massacre, enraged American colonists. Yet John Adams, future president of the United States and cousin of Boston Patriot-leader Sam Adams, ended up defending a group of hated British soldiers at their trials.

In the years leading up to the American Revolution, the British sought to establish firm control over their American colonies. In the British view, the colonies had prospered because British troops had protected Americans from the French, Spanish, and Indians. The king's chief minister proclaimed in Parliament in 1763: "Great Britain protects America; America is bound to yield obedience." Parliament then set on a course of passing laws to control trade, stop smuggling, restrict settlement beyond the Appalachian Mountains, and raise revenue from the colonies. Historically the colonies had experienced little control or interference by the British, so they considered these laws oppressive and began to resist. Much of the resistance took place in Boston.

One target of American outrage was customs collectors, whose job was to stop smugglers and collect taxes. They sometimes conducted searches under writs of assistance. These were general warrants that allowed them to search any house for smuggled goods. When customs officials in 1768 seized John Hancock's ship on charges of smuggling wine, Boston mobs attacked them. The British government ordered two regiments of soldiers to occupy the town. About 700 British regulars marched with fixed bayonets into Boston. The people refused to take the troops into their homes, so units of soldiers were quartered in public buildings and warehouses.

The troops trained on Boston Common and stood guard in front of government offices, including the Customs House. The occupying army and the townspeople



grew to hate each other. The soldiers, wearing distinctive red coats and armed with muskets and swords, intimidated the people with insults and threats. Boston workmen, sailors, and teenage apprentices cursed at the redcoats and challenged them to fistfights. Meanwhile, the Sons of Liberty, a radical Patriot organization led by Sam Adams, agitated for an end to the military occupation.

### **The Boston Massacre**

On Friday, March 2, 1770, an off-duty British soldier asked a group of Boston rope makers if there was any work. One of the rope makers replied there was. "Go clean my outhouse," he jeered. A fight broke out. The soldier was knocked about and then fled. But a little while later, the soldier returned with friends, and a brawl erupted. One of the soldiers, Matthew Killroy, and one of the rope makers, Samuel Gray, would meet again soon in much bloodier circumstances.

On the evening of Monday, March 5, a lone British sentry guarded the entrance to the Boston Customs House where officials collected import duties for the king. The sentry got into an argument with a barber's apprentice and swung his musket at him, hitting the boy on the head. Other apprentices gathered, daring the sentry to fight. "Bloody lobster back!" they yelled, taunting the soldier and his red coat.

By about 9 p.m., the crowd around the Customs House steps had grown to about 50 to 100 people. Some began to throw snowballs and chunks of ice at the sentry. He loaded his musket. "Fire, damn you, fire, you dare not fire!" the crowd taunted.

The sentry finally called for help when a group of about 25 American sailors arrived, yelling, whistling, and carrying wooden clubs. A tall, stout man named Crispus Attucks led this noisy band. Part Indian and black, Attucks pushed his way to the front of the crowd, club in hand. Captain Thomas Preston, officer of the guard, turned out a squad of six privates and a corporal. In the squad was Private Matthew Killroy, who had been involved in the rope-maker brawl. The soldiers marched with their muskets and bayonets to the Customs House to join the beleaguered sentry. They lined up facing the crowd. The corporal then ordered the soldiers to load their muskets with two lead balls per gun. Capt. Preston stood behind his men.

From 300–400 people had now gathered. "Lobsters!" "Bloody backs!" "Fire! Why don't you fire?" many shouted. Some threw snowballs, ice, oyster shells, and even lumps of coal at the soldiers. Crispus Attucks and others struck the soldiers' musket barrels with sticks and clubs. Attucks yelled, "Kill them! Kill them! Knock them over!"

Then, someone from the back of the mob threw a club that hit Pvt. Montgomery, knocking him to the ground. "Damn you, fire!" someone shouted. Enraged,

Montgomery rose to his feet and fired his musket killing Crispus Attucks. Soon, most of the other soldiers were erratically firing into the mob. When Pvt. Killroy fired, rope-maker Samuel Gray fell dead. As the men began to reload, Capt. Preston ordered, "Stop firing! Stop firing!" Five men lay dead or dying in the bloody snow.

Capt. Preston managed to march his men back to their barracks. Acting Governor Thomas Hutchinson, a strong Tory Loyalist, finally arrived to try to calm the people. "Let the law have its course," he pleaded.

The next day, Sam Adams led a huge protest meeting demanding that all British soldiers be ordered out of Boston. Reluctantly, Gov. Hutchinson made an agreement with the British army commander to remove the soldiers to a fortified island in Boston Harbor. Boston residents lined the streets to insult and curse the redcoats as they evacuated the town.

On March 13, the colony's attorney general issued 13 indictments for murder. There would be three trials. Capt. Preston would be tried first followed by a separate trial of the eight soldiers. Four customs officers, accused of shooting into the crowd from the Customs House windows, would be tried last. (This final trial ended abruptly when the jury found out that the main prosecution witness had falsely accused the officers.)

### **The Trial of Capt. Preston**

Before the trials began, a propaganda war of sorts took place. Gov. Hutchinson sent a report to London criticizing Boston for its violence and mob actions against the British soldiers. He later wrote, "government is at an end and in the hands of the people." Sam Adams and the Sons of Liberty took the testimony of witnesses for their own document, which they titled, "A Short Narrative of the Horrid Massacre in Boston." But the most effective propaganda piece was Paul Revere's widely printed cartoon, "The Bloody Massacre," an exaggerated misrepresentation of what really happened.

The court appointed Samuel Quincy, a strong Tory (British sympathizer), as special prosecutor. Sam Adams persuaded the town of Boston to pay for a second prosecutor, Patriot Robert Treat Paine.

Capt. Preston could not get anyone to defend him in court until a Tory merchant persuaded lawyer John Adams to do so. Although he was one of the Patriot leaders in Boston, the 35-year-old Adams believed that it was vital that the British soldiers and their captain receive fair trials. Adams believed that the cause for self-government would be damaged if Boston justice turned out to be little more than lynch law. Joining Adams on the defense team were a Tory judge, Robert Auchmuty, and a young fiery Patriot lawyer, Josiah Quincy, the younger brother of the special prosecutor. Ironically Tory Loyalist Samuel Quincy had the job of

convicting the king's men of murder, while Patriot John Adams led the effort to defend them.

Amid continued mob activities and threats of lynching, Capt. Preston's trial began on October 24, 1770. It lasted six days, an extremely long time then for a criminal trial. The court also took the unusual step of sequestering the jury (keeping jury members away from their family and friends).

Four judges, wearing red robes that signified a death penalty case, presided at Capt. Preston's trial. The key question was whether he actually gave an order to his men to fire at the mob. Preston denied giving the order, but did not testify. Some witnesses said he gave such a command; most said he did not. Much of the testimony centered on who was shouting the word "Fire!" when the shooting began. In the end, the Boston jury found Capt. Preston not guilty.

To Sam Adams and the other Sons of Liberty, Capt. Preston's acquittal was disturbing, but not entirely unexpected. After all, Preston was never accused of shooting at the crowd himself. But the strong feeling in the town remained that someone would have to pay for the five men who had died.

### **The Trial of the British Soldiers**

The trial of the eight British soldiers began on November 27 with a different jury (again sequestered), but before the same four judges as in the Preston case. Samuel Quincy and Robert Treat Paine continued to prosecute. Sampson Blowers joined John Adams and his former Harvard classmate Josiah Quincy for the defense. This trial lasted seven days with more than 80 witnesses testifying.

The prosecutors only had to prove that one of the soldiers fired with malice and the intent to kill. All the soldiers would then be equally guilty of murder and would hang.

The prosecution tried to show that after months of abuse from the town's people, all the soldiers had revenge in their hearts. In particular, a witness testified that one or two weeks before the shooting, Pvt. Killroy had said that "he would never miss an opportunity, if he had one, to fire on the inhabitants, and that he had wanted to have an opportunity ever since he landed." After Pvt. Montgomery fired the first shot, the prosecution argued, Killroy had his opportunity and shot rope-maker Samuel Gray to death.

The defense team had to overcome some major problems. If Capt. Preston did not order his men to fire, as Preston's jury had ruled, then why did the men fire? Adams and the other defense lawyers had to show that the crowd was endangering the soldiers. They would have to persuade a jury that probably held strong anti-British feelings.

The defense thus concentrated on the actions of the specific mob that threatened Capt. Preston and his men. Witnesses for the defense described the insults, curses, threats, taunts, and the physical objects that the mob hurled upon the soldiers. Dr. John Jeffries, who treated victim Patrick Carr for 10 days before he finally died, gave especially effective testimony. Dr. Jeffries related that Carr, on his deathbed, said that he believed the soldiers fired to defend themselves and that he did not blame the man who shot him.

John Adams spent much of his closing argument educating the jury on the law of self-defense. He recalled the testimony about the “people crying kill them! kill them! knock them over! heaving snowballs, oyster shells, clubs, white birch sticks.” Adams then asked the jurors to “consider yourselves, in this situation, and then judge whether a reasonable man . . . would not have concluded they were going to kill him.”

Adams referred to Pvt. Montgomery, the first to fire. “He was knocked down at his station,” Adams continued. “Had he not reason to think his life in danger?” As for Pvt. Killroy, Adams pointed out that no one had testified that he had aimed at Samuel Gray rather than at the mob in general.

John Adams concluded by stating the law at the time: “If an assault was made to endanger their lives, the law is clear, they had the right to kill in self-defense . . . .” Adams conceded, however, that if the assault “was not so severe as to endanger their lives . . . [then] this was a provocation, for which the law reduces the offense of killing down to manslaughter.”

Robert Treat Paine concluded the case for the prosecution. He told the jurors that the soldiers had unlawfully assembled in front of the Customs House, loading their muskets with double shot, which inflamed the crowd. The soldiers then opened fire without any order from Capt. Preston. They did this, Paine argued, not to defend themselves, but out of malice. The redcoats sought revenge for all the insults and harassment they had suffered since arriving in Boston. Thus he called on the jury to find the soldiers who fired guilty of murder.

After instructions from the judge, the case went to the jury to deliberate on a verdict. In the activity that follows, you will have a chance to act as the jury decide on your own verdict.

### **For Discussion and Writing**

1. Why do you think John Adams decided to defend Capt. Preston and the eight British soldiers?
2. Carefully study Paul Revere’s cartoon of the Boston Massacre. Based on the facts that came out in the three trials, what errors can you find?
3. How did John Adams distinguish between self-defense and manslaughter?

4. Who do you believe was most responsible for the Boston Massacre? Why?
5. Modern criminal defense attorneys are often asked to defend people charged with horrible crimes. Do you think they should? Explain.

**For Further Reading**

Bowen, Catherine Drinker. *John Adams and the American Revolution*. Boston: Little, Brown and Co., 1950.

Zobel, Hiller B. *The Boston Massacre*. New York: W.W. Norton, 1970.

## ACTIVITY

### Verdict

1. Form small groups to each play the role of the jury in the trial of the eight British soldiers.
2. Each jury should deliberate over the guilt or innocence of the soldiers and then vote on these possible verdicts:
  - a. All innocent of both murder and manslaughter
  - b. One or more guilty of murder; others innocent
  - c. One or more guilty of manslaughter; others innocent
  - d. One or more guilty of murder; one or more guilty of manslaughter; others innocentA unanimous verdict is required for this case to be decided.
3. Each jury should then report and defend its verdict.

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### **The Outcome**

After deliberating for about three hours, the jurors found all the soldiers innocent of murder, but judged Pvts. Montgomery and Killroy guilty of manslaughter. Although these men were technically convicted of a capital offense, the court permitted them to make a special plea that reduced their penalty to branding on the thumb. Montgomery later admitted that it was he who had shouted, “Damn you, fire!” just before he shot his musket.