



John Adams and the Boston Massacre Trial

Handout A: Narrative

BACKGROUND

Beginning in 1768, British troops were stationed in Boston, Massachusetts to protect officials who were enforcing new taxation laws passed by the British Parliament. Many of the people in Boston were outraged by the taxes and the soldiers were posted around the city. One day in 1770, a mob of nearly fifty people formed around a soldier on duty. As the people began to harass the soldier, additional military support was called to the scene. Shots were fired into the crowd, and five of the people in the mob were killed. The soldiers were arrested and indicted for murder. Many attorneys in town refused to defend the soldiers, but lawyers Josiah Quincy, Robert Auchmuty, Jr., and John Adams decided to take up the case despite their Patriot leanings. These men wanted to ensure that justice was served through a fair trial.

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Tensions grew throughout the American colonies following the passage of several acts of Parliament that taxed the American people in order to raise money to offset the costs of the French and Indian War. The effects of the Navigation Acts, the Sugar Act, and the Stamp Act were felt throughout the colonies, and when the Townshend Acts were passed in 1767, the colonies resisted even more. When troops were sent to Boston to ensure enforcement of the acts, the city became the hotbed of the Patriot cause. Groups like the Sons of Liberty began to boycott British goods and speak out against the British occupation of the city.

On March 5, 1770, a crowd of angry Bostonians armed with makeshift weapons like shovels and sticks gathered at a nearby warehouse. Throughout the town, bells began to ring to call more people into the streets. The mob attempted to gain access to the military barracks and threw snowballs and ice chunks at the building. They then decided to move on to King Street to find other soldiers not protected by the gates of the barracks.

Private Hugh White was at his post in front of the King Street Customs House as the crowd moved toward him. White tried to push the mob back, but he was soon surrounded. Large pieces of ice were flung at White's head. More bells began to peal in the night, and the mob grew larger. Captain Thomas Preston, who commanded the British watch, was summoned from the barracks.

Captain Preston took seven soldiers and marched down King Street toward the commotion. Snowballs, rocks, and ice were thrown at the soldiers as they made their way toward White. The colonists were well aware that the soldiers could not legally fire upon them until one hour

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after a Riot Act had been read ordering the mob to disperse. If the mob did not disperse in the time allotted, only then could the soldiers fire.

As the crowd dared the soldiers to fire, a piece of wood struck Private Hugh Montgomery, who fired his weapon in response. Another soldier fired his gun simultaneously. Crispus Attucks, a runaway slave, was struck along with another colonist, Samuel Gray. When Captain Preston asked the troops why they fired, the other soldiers heard only his last word and they too fired into the crowd. Several more people in the mob were hit.

The crowd continued to grow, and Lieutenant Governor Thomas Hutchinson arrived on the scene, asking Captain Preston why he had fired into the crowd with no Riot Act being read. Captain Preston stated that he had to save his soldier from the mob. After the mob began to disperse, Hutchinson began to hear from witnesses to the shootings and called a meeting of the Governor's Council on March 6. The soldiers involved surrendered to the authorities to await trial.

Within days, funerals were arranged for those who died. A grand jury indicted the soldiers with the murders of the men in the crowd. A friend of Captain Preston recruited lawyer Josiah Quincy to defend the soldiers in court. Forrest knew that Quincy was a Patriot and worried how effectively he would defend the case. Quincy and Robert Auchmuty, Jr. both agreed to represent the soldiers as long as John Adams, a well-known Patriot and lawyer, would agree to be a part of the defense team.

The three men who signed on to defend the soldiers faced many problems because of their clients. Many Bostonians were convinced that the soldiers were guilty of murder and could not believe that men who supported the Patriot cause would defend the soldiers in court.

The trial was supposed to take place within a few weeks, but two of the judges who were to hear the case were ill and the trial was postponed. The town asked Hutchinson to appoint new judges to hear the case sooner rather than later. Charges were formally brought against Captain Preston on September 7, months later than anticipated. The trial began on October 24. The judges gave instructions to the jury, explaining that the evidence indicated that Preston did not give the order to fire. On the morning of October 30, 1770, the jury acquitted Captain Thomas Preston of the charge of murder.

The trial of the rest of the soldiers involved in the "massacre" began on November 27. The prosecution opened the case with witnesses who accused the soldiers of provoking the people of Boston. Several witnesses claimed they saw one or more of the soldiers fire their weapons.

During the defense, Josiah Quincy asked the jurors to forget their own political beliefs and instead concentrate on the evidence. He briefly described the context of the troubles between the colonies. The narrative that Quincy described was one in which the mob of people who descended upon Hugh White that night were looking for trouble. Witnesses for the defense referenced insults that had been shouted at the soldiers at the barracks. One witness described the objects that were thrown at the troops before the shots rang out. Quincy finished his piece and turned the defense over to Adams.

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Adams explained that it was better for a guilty person to go free than to convict an innocent person. He went on to explain that the mob that night constituted a riot. The witnesses for the defense agreed that there was a violent group that night and that one of the soldiers, Hugh Montgomery, was struck. Adams asked the jurors how they would have reacted to being struck multiple times by a group of rioters.

Adams' argument was based on the information that two outsiders, Crispus Attucks and Patrick Carr, not the people of Boston, were responsible for the violence that night. Though a standing army was a provocation for the mob, Adams stated, the soldiers had a right to defend themselves against the attack. Under this mentality, Adams believed that if the soldiers thought that their lives were in danger, they had a right to fire against their attackers. If they were being assaulted, but their lives were not in danger, the charge should only be manslaughter, not murder.

After the closing arguments concluded, the justices gave directions to the jury. One of the justices pointed out that while eight people were on trial, there were only five victims – how could each of the defendants be responsible? The jury deliberated for three and a half hours before returning the verdict. They found six of the defendants not guilty. Two of the defendants, including Hugh Montgomery, were guilty of manslaughter. Adams then successfully argued that the guilty defendants should simply be branded on the thumb as punishment.

Despite their qualms about a standing army and the laws passed by the British Parliament that infringed their rights, John Adams and his colleagues took on the defense of the British soldiers. They signaled to the British that they would stand up to protect natural rights for all by maintaining justice for unpopular defendants.