

DEFENDING THE REDCOATS

The decade of the 1760s was a period of growing tension between England and its American colonies. By defeating France in the French and Indian War (1754-1763), England secured its control of the colonies. The war, however, left Britain with a staggering debt. In desperate need of funds England thought the Americans should contribute to the costs of the empire. Attempts to tax the Colonists triggered events that led to revolution.

England tried to raise revenue in the colonies by collecting *custom duties*, which were taxes placed on goods imported from abroad. Another name for them is a *tariff*. To avoid paying the tariff Americans became smugglers. They slipped foreign goods into the colonies without paying the customs duties. Customs officials of the Crown obtained written court orders, called Writs of Assistance, that enabled them to conduct general searches for smuggled goods. A group of Massachusetts merchants challenged the writs in court but lost their case. Smuggling continued.

In 1764 Parliament passed the Sugar Act. Its purpose was to collect tax on molasses imported by the colonies from the West Indies. Smugglers had evaded previous duties on molasses. To ensure that the new tax would be collected, the act placed special courts in the major American seaports. These courts had no juries. Naval judges examined the evidence, weighed guilt, and passed sentence. Strict enforcement of the new act raised the price of sugar, which embittered the colonists.

It was not only higher prices that angered the colonists. They were also concerned with their lack of political power. They objected to being regulated or taxed by a foreign legislature in which they had no elected representatives. This arrangement gave rise to the now famous protest slogan, "No taxation without representation."

Though American opposition was already aroused by the Sugar Act, the search for revenue by the Crown led-Parliament to pass the Stamp Act in 1765. This act placed a tax on various goods and services produced within the colonies. The tax was paid by purchasing a stamp that was then placed on the article. Stamps were required for such items as newspapers, leases, playing cards, legal documents, and advertisements.

The colonial reaction to the Stamp Act was swift and violent. On August 14, 1765, Andrew Oliver, the Crown-appointed stamp collector, had his effigy hung on a huge tree in central Boston that became known as the Liberty Tree. That evening a mob dragged the effigy to Oliver's elegant town house where they broke down the door and forced their way in. His furniture was destroyed and his family terrorized.

Twelve days later a raucous crowd made its way to the mansion of the colonial governor, Thomas Hutchinson. Hutchinson was dining with his wife and children. The crowd split the door with axes, plundering and gutting the house. They destroyed what they could not take away-china, rugs, clocks, furniture, and family portraits. Nothing remained but the roof, bare walls, and the floor.

Rioters in many cities prevented collection of the stamp tax. Prominent Bostonians denounced Parliament's authority to tax the colonies without consent. Some of these protesters, led by Sam Adams, organized a group called the Sons of Liberty. Their aim was to turn street violence into political action. Parliament soon repealed the Stamp Act. In doing so, however, it declared full power to pass laws or levy taxes for America "in all cases whatsoever." Sentiment for colonial self-government continued to grow, especially in Boston.

Soon after repealing the Stamp Act, Parliament levied the Townshend Taxes. These taxes levied a customs duty on various colonial imports such as paint, tea, paper, lead, and glass. The revenue from these taxes was to be used to pay the salaries of colonial governors. Until this time colonists had paid these salaries. A salary paid by the Crown would eliminate the only power the colonists had over the governor. The Sons of Liberty and their supporters insisted that the power to collect taxes belonged to the colonial assemblies, not to the Crown.

Some merchants refused to import British goods until the Townshend Taxes were repealed. They considered the import taxes intolerable. Resentment was extremely high in Boston where violence broke out again. The British responded firmly by sending two regiments of royal troops to the city. This began a military occupation of Boston. Two opposing forces were moving toward collision.

The new prime minister in England, Lord North, had little sympathy, for American problems. He once referred to protesting colonists as "the drunken ragamuffins of a vociferous mob." He is also quoted as saying, "I can never acquiesce in the absurd opinion that all men are equal."

British soldiers, in their bright red coats, were the visible objects of Boston's bitterness. The redcoats marched up King Street in Boston with drums beating, fifes playing, and colors flying.

Antagonism between citizen and soldier flared repeatedly. One, night in February 1770, Christopher Snider joined some other boys shouting outside the home of a customs official. In response to the boys' taunts the customs collector stomped out of his door. Armed, he fired his musket into the crowd of boys. Christopher Snider, just 12 years old, fell dead. One of those who witnessed the boy's funeral the next day was John Adams.

During these times of conflict between the Crown and its colonies John Adams, a talented lawyer in his thirties, was building a career in Boston. He had recently moved his family from their small farm in Braintree to a house in Boston, closer to his law practice. As he rode the circuit court trying cases or walked the streets of the city, he was recognized as a "patriot" lawyer. He was often invited to dine and discuss events sweeping the American colonies. Though not as radical as the Sons of Liberty, John Adams sympathized with their cause.

The early months of 1770 were a melancholy period for John Adams, then 34 years old. His wife, Abigail, usually strong and competent about the house, was not herself. She did not complain but was that winter unusually quiet, almost listless. When John came home those cold afternoons, he often found her sitting in the dark gazing out the window. When he tried to engage her in conversation, Abigail turned away her head to hide the tears. John felt uneasy, leaving her alone in the house with her two maids. The new houseboy was unreliable, rarely at hand when needed. These were dark days for Abigail, and John planned to begin spending more time with her than he normally did.

The Adams's daughter, Susanna, scarcely a year old, had died just after Christmas. Abigail was pregnant with a baby expected in May. The couple's other two children, ages five and three, needed their father's attention more than usual because their mother was feeling so low.

So it was for John Adams during the winter of 1770 as the clouds of discontent gathered over Boston. Ever since troops had assembled in the city there was a growing dread of an explosion. The image of the troops in the Bay Colony had changed quickly from "His Majesty's Dignified Regulars" into one of bullies and outlaws hired abroad to cut off any chance of resistance. Soldiers were subjected to daily insults and abuse on the streets: "Lobsters for sale . . . lobsters, who'll buy?" crowds jeered at the redcoats. The soldiers cursed and spat. "Yankees!" they called back.

On the morning of March 4, 1770, a poster appeared, tacked up near the waterfront:

This is to inform the rebellious people in Boston that the sold% ers in the 14th and 29th Regiments are determined to join together and defend themselves against all who shall oppose them.

Signed,
the soldyers of the 14th and 29th
Regiments

No one ever found out who posted the sign. Some believe it was not the soldiers but the Sons of Liberty.

The climactic conflict finally came in Boston the night of March 5, 1770. It was a chilly moonlit evening with a foot of packed snow on the ground. Down King Street, Private Hugh White of the Twenty-ninth British Regiment walked his solitary post. As Private White stood near his sentry box a group of rowdies jeered at him until he lost his temper and knocked one of them down with his musket butt. The commotion drew a crowd. White became a target for snowballs, chunks of ice, and lumps of coal. Frightened, he hurried to the Customs House. He found the door locked as the surging crowd shouted, "Kill him, kill him!"

The crowd threatened to overcome the lone redcoat. Captain Thomas Preston, officer in charge, heard the uproar and led a relief party of seven soldiers to the rescue. At bayonet point Preston's group forced its way through the

throng to reach White. Forming a line alongside White, the soldiers were showered with flying objects, catcalls, and taunts.

Some of the soldiers' faces were bloodied. One private, clubbed into the gutter, scrambled to his feet, shouted out, "Damn you, fire!" and pulled the trigger of his musket. The shot hit no one, but the other soldiers began firing. When the smoke cleared, five men lay sprawled in the snow, three dead and two others mortally wounded. The stillness was then broken by the thud and rattle of rammers as the soldiers loaded their guns once again. Captain Preston then ordered his men to withdraw across the street. The wounded and dead were carried away.

Suddenly, all over the city, bells began to ring the alarm. An angry crowd of men appeared on the streets carrying any weapons they could find. Cries of "To arms!" echoed through the streets. Governor Thomas Hutchinson came immediately to King Street.

The governor struggled through the throng until he reached the State House. He appeared on the balcony, facing in the moonlight a seething, roaring, angry mass that filled the square below. Governor Hutchinson stood a moment and waited. "Go home," he said at last. "Let the law settle this thing! Let the law have its course. I myself will live and die by the law. Let you also keep to this principle. Blood has been shed; awful work was done this night. Tomorrow there will be an inquiry." The crowd slowly dispersed. By three o'clock in the morning it was over.

Before sunrise a court of inquiry issued warrants for the arrest of Captain Preston and the eight soldiers. They were jailed to await their trial for murder. Sam Adams, leader of the Sons of Liberty, had already dubbed the incident the Horrid Massacre. Events of the night have survived in history as the Boston Massacre.

John Adams had heard sounds of violence the night before in the streets. He hurried home concerned about the safety of his family. The next morning he was met at his law office by a stranger named James Forest, a loyalist and friend of the accused British officer, Captain Preston,

Mr. Forest had just been with Captain Preston in jail. "Why are you here?" asked John Adams. Breathing hard, Mr. Forest begged Mr. Adams to undertake Captain Preston's defense. "His life is in danger," claimed Mr. Forest. "He has no one to defend him. Mr. Adams, would you consider-will you take his case?" Mr. Forest almost sobbed. The words came out in a rush. He had come to John Adams for two reasons: he could find no other lawyer to take the case, and Mr. Adams had a reputation for being a fair and decent man.

The implications of the decision facing John Adams staggered him. All other lawyers in the city had refused to defend Captain Preston or the other eight soldiers. They feared for their own lives if it became public that they were defending the redcoats. John Adams pondered the importance of having due process of law and impartial justice in the colonies. He expected that this trial would prove as important a case as had been tried in any court of any country in the world.

Walking home to dinner that night John Adams was thinking about his dilemma. A group of Sons of Liberty stopped him on the street and warned him against defending "those murderers." Tories (those loyal to the Crown) in Boston urged him to take the case. "Nine Tories out of ten," John told Abigail gloomily, "are convinced I have come over to their side." He was greatly disturbed at the thought that his own friends, the liberty group, would scorn him and that the loyalists would regard him a hero if he decided to take the case.

John learned that Governor Hutchinson was determined, should a jury convict, to urge a King's pardon for all eight men. On the other hand, John Adams' skill might actually persuade the jury to bring a verdict of not guilty. The governor preferred a verdict of not guilty to a royal pardon. If John Adams took the case, he - wondered whether he would be viewed as a loyalist sympathizer doing the bidding of King George III.

Arriving at home one evening, he found a window broken. Abigail showed him two rocks she had picked up in the room. It was clear to John that if he accepted the case, his house and family would be placed in jeopardy. The case would be difficult to win. It soon became known that of the 96 witnesses prepared to testify, 94 made it appear that the fault lay entirely with the soldiers.

It would take a defense lawyer a great deal of time to prepare to challenge their testimony. If John took the case, the months before the trial would be wholly taken up in preparation. The trial itself would last a long time. John

feared bankruptcy if all his time were taken up with this trial. Little time would be left for other legal work and the handsome fees collected for it. Clearly, accepting the case would require financial sacrifice for John Adams. John Adams wanted to make an honest fortune for himself and his family, to improve his small farm, and to educate his children. Were he to take on the harassing job of defending the redcoats he would be taking a different course. Besides, his family had special need of him" at home these days.

Another thought occurred to John. In the back of his mind he had considered a career in politics. What chance would he have of being elected to the legislature if he accepted the unpopular job of defending the British soldiers? England certainly, and perhaps all Europe, would be watching the trial. John said to his friend Josiah Quincy, "it will serve our enemies well if we publish proof that the people's cause in America is led by mere mob, a riotous and irresponsible waterfront rabble."

If John Adams took the case, most townspeople would think he was trying to screen murderers from justice. Yet, were the British not entitled to be defended against the charge of murder? John Adams struggled to reach a decision.

ACTIVITIES FOR "DEFENDING THE REDCOATS"

Answer all questions on a separate sheet of paper.

Historical Understanding

Answer briefly:

1. What did the Writs of Assistance, the Sugar Act, the Stamp Act, and the Townshend Taxes all have in common?
2. Explain what the Sons of Liberty meant by the protest slogan "No taxation without representation."
3. Why were British troops stationed in Boston?
4. What was the Boston Massacre?

Reviewing the Facts of the Case

Answer briefly:

1. Identify two events that led to violence in Boston on King Street the night of March 5, 1770.
2. Why was John Adams especially concerned about his family-at the time of the Boston Massacre?
3. Why did James Forest seek out John Adams to serve as the defense lawyer for the British soldiers accused of murder?
4. Why did Adams think this trial would draw attention in other parts of the world?

Analyzing Ethical Issues

There is agreement on the answer to some questions. For other questions there is disagreement about the answer. We call these questions issues. Issues can be categorized as factual or ethical. A factual issue asks whether something is true or false, accurate or inaccurate. An ethical issue asks whether something is right or wrong, fair or unfair. Factual issues ask what is, ethical issues ask what ought to be,