

John Adams and the Boston Massacre Trials

Patrick Ramirez  
Senior Division  
Historical Paper  
Paper Length: 1724

Although a patriot, John Adams believed that all people deserved a fair trial and his defense of the British soldiers of the Boston Massacre was key, as without Adams, the soldiers would almost undoubtedly be sentenced to death.

After the Boston Massacre, an event where British soldiers fired upon a mob of Boston citizens who were engaging in verbal and eventually physical violence with them, the British soldiers that had taken part in it had been taken into custody and put on trial. During this time the soldiers were despised by many of the colonists as tensions were high between Britain and the American colonies due to the many taxes enforced by Britain onto the colonists including the Stamp Act, a particular hated tax that taxed all officially printed papers such as newspapers, documents, and even playing cards. Because of this, the soldiers of the twenty-ninth regiment searched but could not find someone to represent and defend them as their lawyer as many did not want to defend those who had taken away their rights. However, John Adams was not one of those people. He was one of few including, Josiah Quincy Jr. and Robert Auchmuty who were on the defense council on the British side despite being patriots themselves. Many just wanted the soldiers to be killed as they were obviously at fault. Consequently, Adams was taking a big risk defending the soldiers as a mob of citizens and sailors might be dangerous to his wife and kids. On the other hand, he knew that in the long term he might be remembered as a man who put the law above his personal beliefs. So seven months after the massacre, as requested by Thomas Gage, commander of British troops in America, in order to tone down the flames before the trial in order to make the trial unbiased, the trial began.

Adams made sure that none of those on the jury were from Boston as they could sway the vote due to favoritism, blackmail, or bribery. However during the seven months of waiting, the Sons of Liberty, an organization founded and led by John Adams's cousin Sam Adams, fought to

protect American rights and to fight against the British taxes and had begun a propaganda war to sway public opinion. Perhaps the most influential was Paul Revere's engraving of the Boston Massacre which showed the soldiers firing upon a defenseless crowd of people. It was unknown if Revere was there witnessing it firsthand. Adams defended the soldiers almost literally with his life.

One of the first things Adams addressed was the fact that the witnesses in general did not know the faces of the soldiers thus making many of their reports of seeing who fired when and where useless. Many reported hearing the word 'Fire!', but few knew who had said it. Some witnesses at the trial were perhaps misinformed, persuaded by the Sons of Liberty, or misinterpreted the situation because some accounts were very different or biased. A notable example was Jeffery Richardson, who claimed that on that day, eight or ten soldiers came to the rope-making shop and challenged the rope makers to come out and fight them. However, it was in fact a wig maker's apprentice who called out Lieutenant Goldfinch, the soldier on duty, and started yelling at him for not paying his master's bill which in turn attracted a large mob which escalated into the Boston Massacre (Boston Massacre Historical Society). One thing Adams had to deal with was the confusion of the witnesses and determine the most accurate answers from these claims. He took the information given and formed the most logical conclusions.

Many witnesses reported that they heard something along the lines of "Cowardly rascals! Fire! Damn you fire! (Boston Massacre Historical Society)." Making many conclude it was one of the sailors who had said it, not Captain Preston like many would have liked to believe. Preston pleaded not guilty but did not testify. Prosecutors brought out fifteen witnesses to prove that Preston was the one who ordered them to fire. However, the defense brought twenty-three witnesses who testified that the soldiers were intimidated and provoked by the mob. Much cross

examination was needed to uncover who in fact said to fire. After much debate, the judge found Preston not guilty on account of “reasonable doubt” due to the lack of evidence to convict Preston as guilty, a first in colonial history and Adams's first success in the trial.

After hearing many accounts of snow, ice, and sticks being thrown at the soldiers, as well as many sailors surrounding them with clubs, someone swore that they saw a sailor strike down private Montgomery with a club. Montgomery then scrambled to his feet and almost immediately fired into the crowd, killing a sailor in the process followed by four others. Adams addressed this by stating,

You will consider, that an intention to kill is not murder; if a man lays poison in the way of another, and with an express intention that he should take it up and die of it, it is not murder. Suppose that soldier had malice in his heart and was determined to murder that boy if he could yet the evidence clears him of killing the boy, I say admit he had malice in his heart, yet it is plain he did not kill him or anybody else, and if you believe one part of the evidence, you must believe the other, and if he had malice, that malice was ineffectual (Boston Massacre Historical Society).

Stating that those who fired and killed did so in self-defense in fear of their well-being and not just because they felt like it. Adams implored the jury, “It is impossible you should find him guilty of murder. You suppose him divested of all human passions, if you don’t think him at the least provoked, thrown off his guard, and into the *fuor brevis*, by such treatment as this (Boston Massacre Historical Society).” Adams attempted to prevent him from being charged with murder by stating that his actions were well within his rights of self-defense.

He even defended Killroy, a soldier who had previously stated before the Massacre that if given the chance, he would fire upon the inhabitants of Boston. Adams explained that, yes he

had malice in his heart. Yet when assaulted he had the right to defend himself just like any other man. However, Killroy had been seen having a particular malice towards Samuel Gray, whom he had killed, who one witness states had been sitting back with his arms crossed. However this was quickly shot down as many others claimed Gray had been one of the more violent of the mob. One young Mr. Davis swears that he saw Gray that evening with a stick saying he would go to the riot, which he was glad was happening so that he could go have a slap at them, further cementing Killroy's right of self-defense. Adams stated that even if Killroy did have grudges or a motive to shoot, he was still the one that was being surrounded and overwhelmed and that he still has his right of self-defense to fire.

Adams claimed that it was sufficient to reduce the crime from murder to manslaughter for Montgomery and Killroy, the two accused killers. He then proceeded to consider the testimonies of the witnesses for the prisoners and stated:

I will enlarge no more on the evidence, but submit it to you. Facts are stubborn things; And whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence. Nor is the law less stable than the fact. If an assault was made to endanger their lives, the law is clear. They had a right to kill in their own defense. If it was not so severe as to endanger their lives, yet if they were assaulted at all, struck and abused by blows of any sort, by snowballs, oyster-shells, cinders, clubs, or sticks of any kind. This was a provocation, for which the law reduces the offence of killing down to manslaughter, in consideration of those passions in our nature which cannot be eradicated. To your candor and justice I submit the prisoners and their cause (Boston Massacre Historical Society).

He is calling out those who wish to see the soldiers dead saying that no matter how much you want them to be wrong, you cannot change the facts.

Adams successfully defended most of the British soldiers from punishment and possibly death. Both Montgomery and Killroy were found guilty of manslaughter and sentenced to death. However they both pledged benefit of the clergy, a medieval relic, to escape the death penalty. They were both branded with the letter “M” for Murder to prevent them from using the benefit of the clergy a second time. Without Adams, this punishment might of been much worse.

After the trials, Captain Preston removed himself from Boston and eventually returned to England while the soldiers returned to the twenty-ninth regiment which had left Boston after the massacre. The Boston Massacre brought Adams great success as a lawyer. Within a decade he had nearly 450 cases with clients ranging from wealthy merchants to politicians to the country's elite. To add to his success as a lawyer, Adams was chosen to become a member of the House of Representatives and attended the First Continental Congress.

All in all, the Boston Massacre ended pretty quietly. Sam Adams wrote many articles under the pseudonym “Vindex” that accused the soldiers of escaping with blood on their hands. However, it was mainly ignored as the mood had changed after the massacre. So he instead went a different direction and turned his attention to preserving the memory of the massacre and organizing yearly commemorations of the event.

John Adams, although a patriot, defended the soldiers who he believed deserved a fair trial even when his own family was in danger, saving the lives of the soldiers of the country that his own country was on the brink of war with. We might be remembering this event very differently today as the soldiers would most likely be remembered as evil and hated for murdering “innocent” civilians without the truth that Adams had deduced.

**Primary Sources:**

"Captain Thomas Preston's Account of the Boston Massacre." *Boston Massacre Historical Society*, [www.bostonmassacre.net/trial/acct-preston1.htm](http://www.bostonmassacre.net/trial/acct-preston1.htm). Accessed 21 Dec. 2016.

This helped me gain a different perspective on the ordeal as well as helpful information on the trial.

"Deposition of Theodore Bliss." *Boston Massacre Historical Society*, [www.bostonmassacre.net/trial/d-bliss.htm](http://www.bostonmassacre.net/trial/d-bliss.htm). Accessed 21 Dec. 2016.

This gave me a first person perspective of a civilian that was not directly involved.

"The Soldiers Trial: October 24 to 30, 1770." *Law2*, law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/soldiersaccount.html. Accessed 21 Dec. 2016.

This helped give me an idea of the soldier's thoughts on the trial.

Revere, Paul. *Engraving of the Boston Massacre*. 1770. *Bostonmassacre.net*. Boston Massacre Historical Society. Web. 11 Mar. 2017. <<http://www.bostonmassacre.net/gravure.htm>>.

This gave me a perspective of how the colonists viewed the massacre.

#### Secondary Sources:

"After the Boston Massacre." *John Adams Heritage*, www.john-adams-heritage.com/after-the-boston-massacre/. Accessed 21 Dec. 2016.

This gave me an idea of what happened after the trial and the consequences afterward.

"Summation of John Adams." *Law2*, law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/adamssummation.html. Accessed 21 Dec. 2016.

This gave me a brief description on John Adams life before and after the Boston Massacre.

"The Boston Massacre Trials." *John-Adams-Heritage.com*, www.john-adams-heritage.com/boston-massacre-trials/. Accessed 9 Dec. 2016.

This was a major help as it gave me many different sources and ideas for my project as well as an account of the trials themselves.