

The Legacy of John Adams

The Boston Massacre

Long before the American Revolution began, there was building resentment toward the British over taxation of commonly imported products, including paper, glass and tea. The colonists actively resisted what they considered to be these unfair taxes, so British troops were moved into Boston to maintain order and enforce British rule.

After 18 months of tension between the colonists and soldiers, on March 5, 1770, British soldiers fired into a crowd of protesters near the Customs House on



Paul Revere's engraving of the Boston Massacre

King Street (now State Street) in Boston. Five colonists died. The term *massacre* quickly became associated with the event. Some reports claimed the soldiers were provoked with hurled insults, snowballs, and other objects. Others argued that the soldiers violently overreacted. The soldiers and their commander, Captain Thomas Preston, were arrested and indicted for murder.

Although a prominent leader in the American colonial resistance, John Adams agreed to defend these men. Adams believed He argued the soldiers had fired in self-defense and that the protesters were an unruly mob. The jury acquitted six of the soldiers. Because the other two had fired their weapons, they were found guilty of manslaughter and punished by having their thumbs branded.

Adams believed his defense during the Boston Massacre trials was, "... one of the best Pieces of Service I ever rendered my Country." Adams represented the British soldiers, reviled by many in the colonies, demonstrating his respect for the rule of law and the rights of the accused, even when the accused were extremely unpopular.

Newspaper Activities:

- ◆ The public protests before the Boston Massacre are similar to recent events and demonstrations by people within the United States and around the world. Look through the newspaper (in-print or electronically) for examples of people protesting. Compare and contrast these current protesters with the Boston colonists and the actions/reactions of the British soldiers. Discuss what you've found as a class. What role, if any, do you think the free press has in these demonstrations?
- ◆ In the news, identify situations when lawyers accepted cases that involve unpopular defendants.

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William Seward's defense of William Freeman

William Freeman was a young man of African and Native American descent who had a troubled youth. He was in prison on arguably a wrongful conviction for stealing a horse, when he suffered a brain injury. His injury left Freeman nearly deaf and raised questions about his sanity. In March 1846, roughly six months after he was released from prison, he murdered four members of the Van Nest family in their home. Freeman was identified by a victim who survived the attack. He was captured and brought to jail despite an angry mob who wanted to see him hanged immediately.

William Seward, who later served as secretary of state under President Lincoln, agreed to defend Freeman. Seward strongly believed the insane were not responsible for their actions, not a commonly-held view at the time.

Seward never argued that Freeman was innocent of murder, only that he could not be held responsible because he was insane. Seward sought to have Freeman committed to an asylum rather than put to death. During both the preliminary trial and the murder trial, Seward called people to testify who knew Freeman both before and after his injuries. He used medical experts who confirmed Freeman as insane. Yet, the jury decided that Freeman was in fact sane and later convicted him for the murders.

Seward did not give up. He obtained a stay of execution. In the following year, an appellate court reversed the ruling of the local court and ordered a new trial. Freeman died in prison before the start of the new trial.

Today, a plaque in front of the courthouse reminds visitors of the Freeman trial. It reads: "In 1846, William H. Seward in Cayuga County Court House defended a man accused of murder and based his plea on the unprecedented grounds of insanity. Although scorned and humiliated by many for his stand at that time, history has since vindicated him as a man of principle, courage and foresight."



William H. Seward

Newspaper Activities:

- ◆ Look through the news (in-print or online) for examples of a person or group of people defending a person or group that is highly unpopular in the eyes of the general public. Summarize of the circumstances surrounding the controversy, including all points of view.
- ◆ Locate articles about the American criminal justice system. Use on-going reports and/or archived stories to follow the coverage of a particular case over a period of time. What does the coverage reveal about our criminal justice system, particularly about the rights of the accused?

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The Lemmon Slave Case

In 1852, Jonathan and Juliet Lemmon entered New York State on their way from Virginia to Texas. At the time the easiest way for them move to Texas was to travel by steamboat to New York City and then transfer to a boat going directly to New Orleans. They were traveling with eight slaves — one man, two women with infants and three children. A free black man, Louis Napoleon, found out that this

group was locked in a New York hotel room and petitioned Justice Elijah Paine of the Superior Court of the City of New York for a writ of habeas corpus. Habeas corpus is a legal action through which a person can be released from unlawful detention.

Justice Paine granted and executed the writ. Following a hearing, Justice Paine released the slaves and ruled that they were free under the New York State law of 1841 that automatically emancipated any slaves brought into the state.

The Lemmons argued that they didn't plan to stay in the state and only brought them to New York to transport them along with their other property. The Lemmons

believed that the U.S. Constitution gave them the right to travel from one state to another through a third, their property undisturbed.

The Virginia legislature felt obligated to appeal the decision to the higher courts of New York. In 1860, the New York Court of Appeals upheld Paine's decision. The Lemmon Case never reached the U.S. Supreme Court.

On April 12, 1861, Southern forces fired Fort Sumter thus beginning the Civil War. By September 1862, President Abraham Lincoln issued the Emancipation Proclamation, freeing the slaves held in the Confederate states.

“That this State will not allow Slavery within her borders, in any form, or under any pretense, or for any time.”

- Resolution of the New York State Legislature, April 1857

Newspaper Activities:

- ◆ Look through the newspaper for examples of state laws. Can you find any examples that cause controversy between two states today? As a class, brainstorm how these differences might be worked out.
- ◆ In accordance with the law, Louis Napoleon and Justice Elijah Paine as a citizen and judge took actions to protect and defend slaves who were detained and unable to petition on their own behalf. In the news, find examples of citizens, lawyers, judges or other advocates who aim to protect and defend the rights of those who must depend on others for defense.

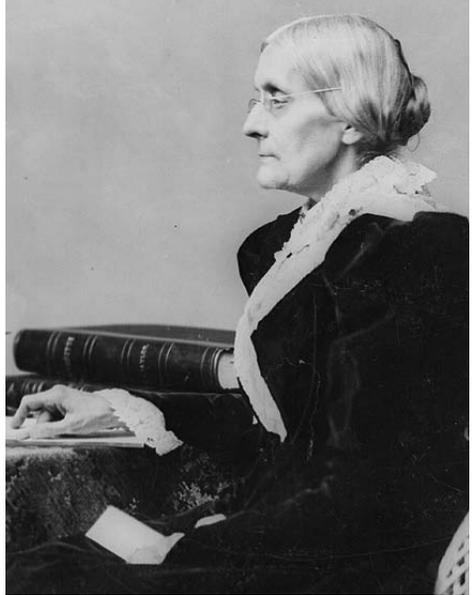
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Susan B. Anthony jailed for voting

Along with 14 other women, Susan B. Anthony registered to vote in Rochester on November 1, 1872. A few days later, on November 5, they cast their ballots, however, at the time women did not have the legal right to vote in New York State.

Anthony believed the recently-adopted Fourteenth Amendment gave women the constitutional right to vote in federal elections. The Amendment said that “all persons born and naturalized in the United States...are citizens of the United States,” and as citizens were entitled to the “privileges” of citizens of the United States. She believed one of those privileges was voting and sought the advice of Judge Henry Rogers Selden who agreed.

Anthony, the other women and the male voting inspectors who had registered them were arrested on November 28. Bail was set and all but Anthony elected to pay the \$500. Anthony’s attorney-friend, Judge Selden, twice paid Anthony’s bail and arranged for her release.



Susan B. Anthony

Susan Anthony used the four months before her trial to tour Rochester and the surrounding area, explaining her belief in a woman’s right to vote.

In June 1873, when the attorneys had finished arguing Anthony’s case before a jury of 12 men in the Canandaigua courthouse, Justice Ward Hunt read a prepared statement that the Fourteenth Amendment did not protect Anthony’s right to vote. Hunt instructed the clerk to direct a jury verdict of guilty and refused to have the jury polled. The judge punished Anthony by requiring her to pay a \$100 fine plus the cost of the prosecution. Selden again stepped forward and paid her fine.

Susan B. Anthony didn’t live to see the 1921 ratification of the Nineteenth Amendment, giving women the right to vote.

Newspaper Activities:

- ◆ Imagine you lived during Susan B. Anthony’s time. Draw a political cartoon or write an editorial about how Anthony or someone else in the case might have felt.
- ◆ Susan B. Anthony took risks to bring about social change. Read through several editions of your local newspaper (in-print or online) and look for a topic that raises the question of fairness. As a class, brainstorm possible ways to remedy the situation, to make treatment “fairer.” Choose what you consider the best option and write a letter to the editor.

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The Pentagon Papers Case

In 1967 Secretary of Defense Robert McNamara commissioned a study of the history of US decision-making of policies involving Indochina, specifically Vietnam. The resulting documents became known as the Pentagon Papers. In 1971, Daniel Ellsberg, a government researcher, gave copies of the documents to the press.



A scanned image of The New York Times front page of May, 1973.

On June 13, 1971, the *New York Times* began publishing articles about the documents and the *Washington Post* published information later that same week. On June 15 the government went to a New York federal district court seeking an injunction prohibiting the Times from publishing articles about the Pentagon Papers.

The government pursued similar action against the *Post* in the

District of Columbia. The 2nd Circuit Court of Appeals, reversing the New York district court who had refused to grant an injunction, granted an injunction as to the *Times*, who immediately appealed. The District of Columbia court refused to grant an injunction as to the *Post* and the government appealed.

The two cases were consolidated for hearing and the U.S. Supreme Court heard arguments on June 26, 1971. The government argued that prior restraint (prohibiting information from being published) was necessary to protect national security; however, on June 30, a divided Court refused to stop publication of the Pentagon Papers because the government failed to meet the burden to justify prior restraint.

New York Times Co. v United States became an important precedent in support of the First Amendment's freedom of the press.

During interviews about the events involving the Pentagon Papers publication, Daniel Ellsberg was quoted as saying, "I felt that as an American citizen, as a responsible citizen, I could no longer cooperate in concealing this information from the American public. I did this clearly at my own jeopardy and I am prepared to answer to all the consequences of this decision."

Newspaper Activities:

- ◆ Look through editions of the newspaper for examples of the free press holding the government or elected officials responsible for their actions (or in some cases, inaction). Imagine you are an elected official; briefly write how you would work to resolve this issue.
- ◆ See if you can find an example of a citizen acting as a "whistleblower" - someone who calls attention to corruption or exposes wrongdoing in the hope of stopping it. Briefly write what you might do in a similar situation.