

The Colony of Massachusetts vs. the British Soldiers

An Interactive-Mini Trial: The Boston Massacre

(Note: This version contains no cross-examination questions)

Time

45-50 minutes

Goals

- To introduce students to the fundamentals of the American justice system, and the idea that everyone deserves a chance to tell their story.
- To learn about John Adams and the events of the Boston Massacre.
- To see the court system in a positive light

Activity

Students participate in a partially-scripted, interactive mock trial about the trial of the British soldiers following the Boston Massacre. This mini-trial was written by Shelby Wright, AUSA, with assistance from Sarah Churchill Silberman, Discovering Justice.

Setting the Stage/Developing the Incident

- Teacher reads aloud “Story of Boston Massacre” (in appendix) as students read along silently with their own copies.
- Teacher briefly asks students to explain what happened in the Boston Massacre. Some of the facts to be covered could include:

-The British Soldiers and the Colonists didn't like each other/weren't getting along etc.

-A soldier and a colonist got into a fight.

- More colonists joined the fight.

-The colonists were throwing snowballs and ice. There are rocks and shells in the snowballs.

-The soldier calls for help.

- Captain Preston brings seven soldiers.

-Someone says 'fire.' Shots are fired. No one knows who said fire. It could have been Captain Preston or someone else.

-Five Americans, including Crispus Attucks, are killed.

-The eight soldiers are charged with murder.

-John Adams agrees to defend the British soldiers.

- Teacher asks the question: *Did the soldiers shoot into the crowd on purpose, and plan to kill people, or were the soldiers were afraid for their lives, and fired to protect themselves from harm?*
- Teacher checks that students understand the meaning of the words “fire” and “hold your fire.”
- Teacher asks students if they know who defended the British soldiers. *(Discuss why John Adams volunteered to defend the soldiers and what the other colonists might have thought about it. Ask students if John Adams was a loyalist or a patriot).*

- Teacher explains that we will turn our classroom into a courtroom and act out the trial of The Colony of Massachusetts vs. The British Soldiers. We will hear from attorneys who will argue both sides of the case. There will be witnesses, colonists and British Soldiers who will explain what they saw happen. The jury will decide if the British soldiers acted in self-defense (to protect themselves) or if they fired into the crowd on purpose and are guilty of murder.

Preparing the Student Groups for the Trial

Group 1: Prosecution Team Representing the Colony of Massachusetts (6 students)

1. Discuss with your group the charge:
 - Are the soldiers guilty or not guilty of murder because they fired on the colonists?
 - Did the soldiers fire because they were afraid? (Make sure everyone knows what self-defense means).
2. Divide the group up as follows:
 - 2 students give the opening statement. These students will have to use their own words.
 - 2 students to examine the witnesses. These attorneys will read from the script.
 - 2 students give the closing argument which they will also say in their own words.
3. Have the students practice their parts. Remind students to stand confidently, look at the jury and speak in a big, clear voice.

a) Opening and Closing statements: These students will have to use their own words. It is best to start with what the kids are already saying and help them to make it a more complete thought.

Facts that might be included:

- The colonists didn't have any weapons, but the soldiers shot into the crowd with their guns.
- The colonists only threw rocks and snowballs.
- The soldiers were angry and wanted to hurt people.
- The soldiers were trained not to shoot even if they were scared.
- The captain told them to "Hold your fire."

b) Examination of Witnesses: These students will read from the script. Have them divide up into pairs and practice reading their questions. If necessary, two students can say their part together. There will not be any cross-examination.

Group 2: Defense Team Representing the British Soldiers (6 students)

1. Discuss with your group the charge:
 - Are the soldiers guilty or not guilty of murder because they fired on the colonists?
 - Did the soldiers fire because they were afraid? (Make sure everyone knows what self-defense means).
2. Divide the group up as follows:
 - 2 students do the opening. These students will have to use their own words.
 - 2 students to examine the witnesses. These attorneys will read from cue cards.
 - 2 students to work on the closing which they will also say in their own words.
3. Have the students practice their parts. Remind students to stand confidently, look at the jury and speak in a big, clear voice.
 - a) Opening and Closing statements: These students will have to use their own words. It is best to start with what the kids are already saying and help them to make it a more complete thought.

Facts that might be included:

- Even snowballs with rocks in them can hurt somebody badly.
- The soldiers thought they heard an order to “Fire.”
- They were scared for their lives.
- They fired their guns in order to defend themselves.

b) Examination of Witnesses: These students will read from the script. Have them divide up into pairs and practice reading their lines. If necessary, two students can say their part together.

Group 3: Witnesses (4 students, 2 per side)

1. Divide the students up into two groups of 2.
2. 2 of the students will be witnesses for the Prosecution. They are colonists talking about what they saw.
3. 2 of the students will be witnesses for the Defense. They are British Soldiers talking about what they saw.
4. Explain that the attorneys will ask them questions, and they will have to explain what they saw.
 - If it is a yes or no question, the witness will just give the right answer.
 - For longer questions, we have cue cards to help with the answers.
5. Have the students practice their parts. Remind students to stand confidently, look at the jury and speak in a big, clear voice.
4. If necessary, two students can say their part together.

Group 4: Judges and Clerks (6 students, 3 judges and 3 clerks)

1. Clerks: Help the clerks to practice their lines. They should speak their lines as a group:
 - All Rise*
 - Judges walk in.
 - Court is now in session.*
 - Raise your right hand. Do you promise to tell the whole truth?*
 - Remind students to speak in a big, loud voice and how they set the tone for the action in the courtroom.
 - Make sure the clerks are clear on when the judges walk in etc.
2. Judges: Help the judges to practice their lines. They should speak their lines as a group. Help them to see the pattern of what they say:
 - Does the prosecution have an opening?*
 - Does the defense have an opening?*
 - Does the prosecution have witnesses?*
 - Does the defense have witnesses?*
 - Does the prosecution have a closing?*
 - Does the defense have a closing?*
 - Does the jury have a verdict?*
 - Remind students to speak in a big, loud voice and how they set the tone for the action in the courtroom.
 - Judges will also need to practice walking in.

Group 5: The Jury (remainder of students)

Discuss with students the role of the jury:

-*Random group of people*

-*Impartial*

-*Job is to listen to both sides and vote based on who has made the better argument.*

During the trial, check in with the jury after each set of arguments:

“Jury, what did we just hear from the lawyers for the colonists?”

The Trial

1. Starting court:

Clerks: *All rise.*

-Judges enter and sit down.

Clerks: *Court is now in session. You may be seated.*

Judges: *Does the Colony of Massachusetts have an opening statement?*

Prosecution: *Yes, your honor.*

-1-2 prosecution lawyer walks to middle of courtroom, facing jury.

-Each presents one sentence opening statement (name and one fact to support their case).

-Encourage student attorneys to speak in a big, loud voice.

Judges: *Do the British Soldiers have an opening statement?*

Defense: *Yes, your honor.*

- The 2 defense lawyers walk to middle of courtroom, facing jury.

-Each presents one sentence opening statement (name and one fact to support their case).

-Encourage student attorneys to speak in a big, loud voice.

2. Witnesses

Judges: *Does the Colony of Massachusetts have any witnesses?*

Prosecution: *Yes, your honor.*

-The witnesses for the prosecution (Colonists 1 and 2) come to the witness stand.

Clerks: *Raise your right hand. Do you promise to tell the truth?*

Witnesses: *Yes.*

-The prosecution attorneys begin to examine their witnesses (the colonists).

-These “attorneys” will use the script.

-The witnesses (colonists 1 and 2) use the script to respond to the attorneys’ direct examination questions.

-The prosecution finishes.

Judges: *Do the British Soldiers have witnesses?*

Defense: *Yes, your honor.*

-The witnesses for the defense (the British Soldiers 1 and 2) come to the witness stand.

Clerks: *Raise your right hand. Do you promise to tell the truth?*

Witnesses: *Yes.*

-The defense attorneys examine their witnesses (British Soldiers 1 and 2).

-These “attorneys” will use the script.

-The witnesses use the script to respond to the attorneys’ direct examination questions.

-The defense finishes.

3. Closing

Judges: *Does the Colony of Massachusetts have a closing?*

Prosecution: *Yes, your honor.*

- 1-2 students walk to the middle of courtroom, facing jury.
- Each presents one sentence closing statement (name and one fact to support their case).
- Encourage student attorneys to speak in a big, loud voice.

Judges: *Do the British Soldiers have a closing?*

- 1-2 students walk to the middle of courtroom, facing jury.
- Each presents a one sentence closing statement (name and one fact to support their case).
- Encourage student attorneys to speak in a big, loud voice. Adult volunteers can stand next to the student attorney, if he/she needs coaching.

4. Verdict

Judges: *Ladies and gentlemen of the jury. Now it is time for a verdict.*

- Teacher explains the charges: *Listen to the choices. I will read the choices once and then I will ask you put up your hand to vote.*
 - a) *If you find that the soldiers shot into the crowd on purpose, and planned to kill people, you must find them guilty of murder.*
 - b) *If you find that the soldiers were afraid for their lives, and fired to protect themselves from harm (which is called "self defense"), you must find them not guilty of murder.*
- Before taking the vote, ask one student to explain self-defense to you.

Judges: *Do you have a verdict?*

Jury (stands): *Yes, we believe that the British Soldiers are... guilty/not guilty of murder.*

Appendices:

Witness and Attorney Questions:

Start with witnesses for the Colony of Massachusetts: the colonists

Colony of Massachusetts Attorney 1: Direct-examination of prosecution witness, Colonist 1:

Attorney 1: What did you see and hear?

Colonist 1: *There was a crowd. They were calling the soldiers names.*

Attorney 1: Did anyone get pushed down?

Colonist 1: *One of the kids got pushed down.*

Attorney 1: What happened?

Colonist 1: *One soldier ran off and came back with more soldiers.*

Attorney 1: Did you see what happened next?

Colonist 1: *The crowd threw some snowballs, and then the soldiers fired their guns.*

Colony of Massachusetts Attorney 2: Direct-examination of prosecution witness, Colonist 2:

Attorney 2: Did you see any of the people in the crowd with guns?

Colonist 2: *No.*

Attorney 2: What did you hear the Captain say?

Colonist 2: *I heard him say, "Fire!"*

Attorney 2: What happened then?

Colonist 2: *The soldiers shot their guns into the crowd.*

Change Witnesses: British Soldiers take the stand.

British Soldier Attorney 1: Direct examination of defense witness, British Soldier 1:

Attorney 1: What did you see and hear?

British Soldier 1: *There was an angry crowd, a mob. They surrounded us. They were throwing rocks and snowballs with rocks in them.*

Attorney 1: What did you hear?

British Soldier 1: *At first all I heard was the people calling us names. And then I heard my Captain say, "Fire!"*

Attorney 1: What did you do then?

British Soldier 1: *I followed the order.*

Attorney 1: How did you feel?

British Soldier 1: *I was really scared. I thought they were going to attack us.*

British Soldier Attorney 2: Direct-examination of defense witness, British Soldier 2:

Attorney 2: What did you see?

British Soldier 2: *I saw the crowd getting really angry and loud.*

Attorney 2: What did you hear?

British Soldier 2: *I heard a lot of people yelling “Fire!” and then heard one person yell “Hold your fire.”*

Attorney 2: Could you tell who yelled, “Hold your fire”?

British Soldier 2: *No, it was too confusing.*

Attorney 2: Did you think the crowd was going to attack the soldiers?

British Soldier 2: *I was afraid they would attack. The crowd was throwing things at the soldiers and hitting them with sticks.*

Information about John Adams

John Adams was a lawyer who worked right here in Massachusetts. The town of Quincy, Massachusetts, is where he used to live and it’s named for his family. John Adams was the first Vice President of the United States, and the third President. His son, John Quincy Adams, also went on to become President.

John Adams believed that everybody ought to have a chance at a fair trial, which we call “due process.” He took on the case of the British soldiers, even though he was very much in favor of American independence. He knew that if the system is going to work, it has to work for everybody, even people you might consider to be the enemy. Lots of people were very angry at John Adams for defending the British soldiers. John Adams’ law practice suffered because his friends and neighbors didn’t want him to be their lawyer anymore.

John Adams wrote a document called the Declaration of the Rights of Man, which became the constitution of the Commonwealth of Massachusetts. It described rights that all people have, such as freedom to say what you think, freedom to print what you think in a newspaper, and freedom to worship and believe what you want to. If these sound familiar, it’s because they are some of the freedoms guaranteed to us in the Bill of Rights, the first ten amendments to the United States Constitution. Way after the American Revolution was over, and James Madison had written the United States Constitution, John Adams thought that some things were missing. The Constitution talked about the President, and the Congress, and the Courts, but John Adams thought it should also talk about the rights of the people. So he went back to the document he had written years before, the Declaration of the Rights of Man, and convinced Congress to add those things to the U.S. Constitution.

Occupations for Jury Members

1. Candle maker
2. Farmer
3. Tailor
4. Blacksmith
5. Wheelwright (a person who builds or repairs wheels)
6. Banker
7. Elementary school teacher
8. Minister
9. Owner of a horse stable
10. Apothecary (pharmacist)
11. Land surveyor (measures property)
12. Barkman (a person who operated a barge)
13. Coachman
14. Peddler
15. Ironmonger (someone who buys and sells iron)
16. Miller
17. Baker
18. Owner of a Hardware Store
19. Owner of a Clothing Store
20. Shepherd

The Story of the Boston Massacre

The Massachusetts colonists were angry. Angry about King George's taxes. Angry about King George's soldiers sent to keep order in Boston. Angry about the soldiers' camp on the Boston Common.

The British soldiers were unhappy. Unhappy about low pay and poor food. Unhappy about being so far from home. Unhappy about having to camp out on Boston Common. For eighteen months, the relationship between the people of Boston and the British soldiers grew more and more tense.

On the night of March 5, 1770, Edward Garrick walked by the Custom House in the center of Boston. The sky was dark, but the moon was bright. There were no street lights in Boston in 1770. Garrick was a young colonist who was learning how to be a barber. He shouted an insult to Hugh White, the British soldier standing guard. White hit Garrick on his ear with the handle of his rifle. Garrick cried out in pain and came back with a group of young colonists who shouted angry words at the British soldier and threw things at him. A church bell rang nearby, the signal that a fire was in the neighborhood. The bell and the noise of the crowd brought about more colonists to the Custom House where they began to throw chunks of ice and tightly packed snowballs, some stuffed with rocks and shells, at the soldier. White called for help. Seven soldiers arrived on the scene, led by Captain John Preston.

Some of the colonists began to hit the soldiers with clubs and a large sword. Crispus Attucks, a sailor, tried to grab the gun out of Private Hugh Montgomery's hands. Private Montgomery fell, stood up, and fired his gun. Someone shouted "Fire!" Some bystanders thought Captain Preston yelled fire, but others didn't know who had given the

order. More shots rang out. Five colonists were killed, including Crispus Attucks. Captain Preston and the other British soldiers were arrested for murder.

The State of Massachusetts wanted to give the British soldiers a fair trial, but no Massachusetts colonist was willing to defend the enemy soldiers. Finally, John Adams agreed to defend the British soldiers, and that decision brings us to the trial taking place in this courtroom today.

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