



The Education of John Adams

R. B. Bernstein

"Drawn & Engraved by H. Houston / His Excellency John Adams President of the United States / Respectfully Dedicated to the Lovers of their Country and Firm Supporters of its Constitution / Published by D. Kennedy 228 Market St. Philad". (ca. 1797)

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To the Colloquium:

I am honored to start off our semester – honored and apprehensive. *The Education of John Adams* has made more than one appearance before this group, as part of its gestation, which has taken fourteen (yes, 14) years. In the past year, I have had to edit the manuscript severely when its 126,000 words exceeded the contracted-for length by 26,000 words.. Repeated reviews of the text have cut it by approximately 26,500 words. In addition, I have severely edited it to make it as clear and concise as possible. Thus, there is no longer any need for further editorial advice.

What I *do* need and ask of you, please, is that you assess the book's argument in general and as to particular subjects. The particular subjects have to do with John Adams, slavery, and race. The appearance in 2018 of Arthur Scherr's combative monograph *John Adams, Slavery, and Race* (Peraeger/Greenwood) has spotlighted issues that previous students of Adams's life and work have overlooked or neglected. I have tried to benefit from Scherr's work while avoiding his tendency to mock and beat up previous Adams scholars. (Sometimes it seems that he is more intent on beating up such people as David McCullough and Joseph Ellis than in examining Adams.) Have I addressed these subjects adequately for a book of this compressed size? Have I connected the pieces scattered through the book?

Also, have I managed to explain the technical aspects of Adams's political thought, set them in context, and so written the book that it brings readers unfamiliar with Adams and his world into the conversation?

My approach here is like that of my *Thomas Jefferson* (Oxford UP, 2003), to which this is a companion volume, though standing on its own. I neither love nor hate Adams or Jefferson; I am simply trying to understand them. (Bill Nelson disagrees, but that's Bill.)

I look forward to your comments, suggestions, and observations of whatever kind.

**THIS BOOK IS DEDICATED
TO THE SACRED MEMORY
OF MY DEAR FRIEND
MARILEE B. HUNTOON (1955-2011),
THE BEST AND WISEST PERSON
WHOM I HAVE EVER KNOWN.**

Her finely touched spirit had still its fine issues, though they were not widely visible. Her full nature, like that river of which Cyrus broke the strength, spent itself in channels which had no great name on the earth. But the effect of her being on those around her was incalculably diffusive: for the growing good of the world is partly dependent on unhistoric acts; and that things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life, and rest in unvisited tombs.

George Eliot
Middlemarch (last paragraph)
1871

THE EDUCATION OF JOHN ADAMS

Chronology

Preface:

“Let us dare to read, think, speak and write”:

1. “Something should be said of my origin”:
From Braintree to Harvard (1735-1755)
2. “It is my Destiny to dig Treasures with my own fingers”:
Law and Marriage (1755-1765)
3. ”Britain and America are staring at each other”:
Revolutionary Advocate (1761-1774)
4. “We must for the future stand upon our own Legs or fall”:
Continental Congress and Independence (1774-1777)
5. “May the Design of my Voyage be answered”:
Revolutionary Diplomat, Polemicist, and Constitution-Maker (1777-1783)
6. “every phenomenon that occurs in the history of government”:
American Minister and Constitutional Commentator (1783-1788)
7. “The most insignificant office”:
Vice President (1788-1797)
8. “May none but wise and honest Men ever rule under this roof”:
President John Adams (1797-1801)
9. “In dogmatizing, laughing, and scolding I find delight”:
Retirement (1801-1812)
10. “What was the Revolution?”
The Sage of Quincy (1812-1826)

Epilogue: “Whether you or I were right Posterity must judge.”: The Legacies of John Adams

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PREFACE:

“Let us dare to read, think, speak and write....”

In 1765, John Adams, a twenty-nine-year-old Massachusetts lawyer, pondered the crisis engulfing Great Britain and her North American colonies. In his view, the dispute’s focus was how the British Empire was to be governed under the unwritten English constitution. To address that problem, Adams drafted a pamphlet, “A Dissertation on the Canon and Feudal Law.” He likened Britain’s abuse of its authority over the colonists to the enslavement of medieval Europe by kings and lords allied with the Roman Catholic Church. Juxtaposing dangers past and present, he warned that a new tyranny was on the horizon, but, he added, the colonists had means to resist it. Knowledge of American rights under the English constitution, he maintained, would bolster American resistance: “This spirit [of liberty], however, without knowledge, would be little better than a brutal rage. Let us tenderly and kindly cherish, therefore, the means of knowledge. Let us dare to read, think, speak and write.”¹

Adams’s exhortation to his readers illuminated his life, his part in the American Revolution, and his role in the evolution of American constitutionalism. In the American Revolution, the Founding Fathers fought in different ways and using different means. Adams marshaled words and arguments in the American revolutionary cause. As lawyer, politician, legislator, constitution-maker, diplomat, and executive, he mobilized legal and historical knowledge for the greater good, drawing on the best of the past to save the future:

Let every order and degree among the people rouse their attention and animate their resolution. Let them all become attentive to the grounds and principles of government, ecclesiastical and civil. Let us study the law of nature; search into the spirit of the British

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constitution; read the histories of ancient ages; contemplate the great examples of Greece and Rome; set before us the conduct of our own British ancestors, who have defended for us the inherent rights of mankind against foreign and domestic tyrants and usurpers, against arbitrary kings and cruel priests, in short, against the gates of earth and hell.

Adams lived with books at his elbow and a pen in his hand. Insatiably curious about the world around him, he educated himself and sought to teach his contemporaries and posterity what he had learned. These lifelong processes of learning and teaching constitute the education of John Adams.²

Previous studies of Adams use one of two competing approaches to Adams, neither capturing his life's complexity or significance. Dazzled by his colorful personality, his self-awareness, and his revealing himself on paper, most biographers stress Adams's character, some reducing his constitutional and political advocacy and analysis to mere products of his internal conflicts.³ The competing biographical school spotlights him as a constitutional and political thinker, rooted in an intellectual tradition extending from Greece and Rome to the Enlightenment – but pushing his nonpolitical life into the background.⁴

Deciding between character without ideas (reducing Adams to an idiosyncratic volcano but ignoring his intellectual depth) and ideas without character (seeing Adams as a learned intellectual but shortchanging his humanity) is a false choice. Juxtaposing his ideas with his character, this book sets him within intersecting contexts – personal, regional, lawyerly, political, and intellectual – that shaped his vision of the world and of his place in it.⁵

Setting Adams in context deepens our understanding of his life's personal dimension. Adams's resentments, explosions of temper, and paroxysms of vanity become more

comprehensible when we grasp *why* he felt and expressed himself that way. His outbursts, voicing his sense of his virtues and failings, had roots in and resonated with his intellectual and cultural contexts. Given, for example, that he and his contemporaries saw fame as this world's just reward for service to the public good, and that his sense of fame resonated with the moral heritage of his Calvinist roots, he had reasons to take personally efforts to denigrate his labors. Those seeking to deny him fame, he thought, were trying to take away what he had earned. By denigrating him, they rejected the worth of his labors and his arguments.⁶ His battles with Benjamin Franklin, with Alexander Hamilton, and with Thomas Jefferson were clashes of personality *and* of principled intellectual disputes about political theory and practice.

Attention to Adams's personal dimension illuminates interactions between his private and family life and his intellectual and public life. Heeding character and ideas gives us a clearer sense of his marriage to Abigail Smith Adams, for example, showing it as an intellectual and political partnership as well as a loving relationship.⁷ It also suggests why he so often sacrificed his and his family's happiness to his sense of duty and his obligation to public service, and why he expected his family to understand the choices that he made.

Adams's regional origins also helped to shape him and to explain his political behavior. Passionately loyal to his native land, Adams saw himself as a son of Braintree, of Massachusetts, and of New England. He represented and embodied his local, colonial, state, and regional roots. In these commitments, he had much in common with others of his state and region, and his conduct's regional context and sources help to explain what otherwise looks idiosyncratic, bringing to the biographical enterprise insights drawn from scholarly analysis of local loyalties' effects on American politics.⁸ For example, in the late 1770s and 1780s, during his diplomatic service in Europe, Adams shared with most New Englanders a strong suspicion of France –

though France, the new nation's strongest ally, was the only European power able to counter British military and naval might. Influenced by their austere Calvinist Protestant/English heritage, they saw the French as corrupt, decadent, and mired in Catholic idolatry and superstition. Thus, letters written to Adams by fellow New Englanders (including Abigail), commiserating with his torments and echoing his suspicions that he was being undermined by the French and by fellow diplomats, resonated with and reinforced his resistance to the French Foreign Ministry and to Benjamin Franklin.

Adams's lawyerly identity is also central to understanding him. Not only was he one of his era's most learned and talented attorneys – his self-definition as a lawyer was integral to his sense of what he should be.⁹ The law suited him well as a career, meshing with his love of learning and study, his talent for public speaking and argument, and his capacity for hard work. Even after politics supplanted law as his calling in the 1770s, he remained a man of law, with a lawyer's perspective, learning, gift for oratory (and verbosity), ability to absorb and deploy vast amounts of research in a short time, contentiousness, and willingness to risk condemnation for the right cause. His legal cast of thought explains his penchant for conflict better than his supposed foibles or instability do.

As a diplomat, for example, Adams nearly always saw himself as a hick from Braintree who had moved from the Atlantic world's periphery to its center. Fears that he might be ill-equipped, even unqualified, to represent his country and defend its interests on the world stage plagued him; he drew on his lawyering skills to shape his work. Unfortunately, his hard-charging litigator's tactics backfired on Adams the envoy. This conflict between role and method even showed itself in his greatest diplomatic triumph. His negotiations led the Dutch to recognize the

United States and to give the new nation vital loans, but the vexations he suffered led to his physical and emotional collapse.

Adams's diplomacy is notorious for collisions between himself and Franklin. One source of this conflict was Adams's concern for protecting Massachusetts in particular and America in general. Like other Americans, Adams feared that Franklin had spent too long in Europe, weakening his ties to home and his commitment to American interests.¹⁰ Another source was Adams's formal, litigious, confrontational approach to diplomacy, which clashed with Franklin's conciliatory, informal methods.¹¹ Unlike the urbane Franklin, a master of the indirect approach, Adams plunged into disagreements with American colleagues, foreign counterparts, and Congress, sometimes all at once. Adams was a bull in a china shop who brought his own china shop with him.¹² Skeptical and envious of Franklin's skilled diplomacy, Adams measured himself against Franklin and brooded over the other man's faults – Franklin's laziness, love of popularity, administrative sloppiness, and even his amateurish spoken French. When supporters from New England warned him that Franklin was working with Adams's enemies in Congress to undermine him, he exploded in response, with near-catastrophic results.

Adams's political dimension also helps us understand him, for we forget that the founding fathers were politicians. It made sense for Adams to move from the sphere of private law to that of public or constitutional law. The Revolution raised the need to defend existing constitutional arrangements against British innovation, and then to devise new constitutional arrangements incorporating English constitutional principles. Adams's grasp of politics taught him the need to serve his country as a matter of patriotism (what the Romans called *pro patria*). Being a constitution-maker required his talents, abilities, learning, and commitment. And yet,

though a distinguished maker and defender of constitutions, he had an intermittent, inconsistent record of success as a politician.

As a politician and office-holder in an evolving American government, Adams was at his best as a politician when he was sure of the institutional context in which he was working and of his place in that context. He was most comfortable as a legislator, a delegate in Congress, and a constitution-maker; he knew what those roles required of him and what he should say and do. By contrast, he felt uncertain of his fit with other public roles that he was asked to assume. Heeding Adams's discomfort with unfamiliar roles helps us to grasp what happened to him after he returned to America, becoming the nation's first Vice President in 1789 and its second President in 1797. He found both offices torturous.

As Vice President, holding an office created by the Constitution's framers as an afterthought, he had no models to guide him. He suffered public embarrassments, including his doomed 1789 campaign to confer a grand title on the president and his equally self-defeating insistence on lecturing the Senate about European customs and diplomatic etiquette.¹³ His efforts made sense to him but offended others. As he saw it, he was drawing on his learning and experience to bolster the constitutional system's legitimacy. By contrast, many countrymen found his ideas laughable, even abhorrent, precisely because they were trying to throw off habits inherited from a hidebound, monarchical Europe. Some dismayed observers concluded that, having spent too long abroad, Adams had lost touch with American values, ironically paralleling his doubts about Franklin.

President Adams faced a different problem – the suffocating presence of one precedent and model: George Washington. In 1797, at his inauguration, Adams was painfully sure that the public focused not on his assuming power, but on Washington's leaving the public stage. For

most of his presidency, he sought to model his conduct on Washington's instead of developing his own style of leadership. He did not realize what later presidents came to understand – that being president meant melding your own personality with the presidency's powers and responsibilities, fitting the office to yourself and yourself to the office. Washington achieved those goals; his version of the Presidency partook of his chilly formality and rigorous self-restraint – qualities alien to Adams's personality. In trying to be a second President Washington instead of President Adams, he tried to be someone he was not.

Further, Adams kept the members of Washington's cabinet in office – worrying that, if he named his own heads of departments, he might be seen as criticizing Washington. His decision, however, saddled him with advisors who neither shared his views nor respected him. They were loyal to Washington, their former leader, or to Hamilton, their intellectual and political chief – not to Adams. Only in the last year of his term did he take charge of his presidency. He did so too late to win a second term in 1800. Nonetheless, in his last year in office he helped to prevent a war with France; appointed the greatest Chief Justice in American history, John Marshall; and managed an orderly transition of power to his victorious rival and successor, Thomas Jefferson.

Adams shouldered political responsibilities with which he was comfortable or struggled to cope with political roles in which he was uncomfortable as a man of ideas, an active participant in the Enlightenment's intellectual world. The Enlightenment was a complex mix of kinds of thought – some divided by national context and origin, others sorted into conservative versus radical camps.¹⁴ Adams fit within Britain's conservative, affirming version of the Enlightenment.¹⁵

Adams found it natural to approach political problems by reference to the life of the mind. Throughout his career, he found comfort in studying enduring arguments about human

nature, society, politics, and government, and grounding his political and constitutional labors on that study. Applying his learning to politics, governance, and constitutionalism moved Adams to eloquent enthusiasm; in 1780, he wrote to Abigail:

I could fill Volumes with Descriptions of Temples and Palaces, Paintings, Sculptures, Tapestry, Porcelaine, &c. &c. -- if I could have time. But I could not do this without neglecting my duty. The Science of Government it is my Duty to study, more than all other Sciences: the Art of Legislation and Administration and Negotiation, ought to take Place, indeed to exclude in a manner all other Arts. I must study Politicks and War that my sons may have liberty to study Mathematicks and Philosophy. My sons ought to study Mathematicks and Philosophy, Geography, natural History, Naval Architecture, navigation, Commerce and Agriculture, in order to give their Children a right to study Painting, Poetry, Musick, Architecture, Statuary, Tapestry and Porcelaine.¹⁶

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For Adams, immersion in the record of human political experiments brought intellectual and psychological benefits, uniting realms of thought and feeling that earlier biographers have sought to distinguish. Adams considered Solon and Lycurgus, Aristotle and Cicero, Sir Edward Coke and James Harrington, as deceased colleagues, fellow laborers in a great enterprise – “the divine science of politicks” – and he passionately identified with that enterprise.¹⁷

More than two centuries before Adams’s birth, another diplomat and author described what politics meant to him in ways resonating with Adams’s feelings. In 1513, Niccolò Machiavelli sketched for his friend Francesco Vettori how study consoled him while he languished in exile from Florence:

When evening comes, I return home and enter my study; on the threshold I take off my workday clothes, covered with mud and dirt, and put on the garments of court and palace. Fitted out appropriately, I step inside the venerable courts of the ancients, where, solicitously received by them, I nourish myself on that food that alone is mine and for which I was born; where I am unashamed to converse with them and to question them about the motives for their actions, and they, out of their human kindness, answer me. And for four hours at a time I feel no boredom, I forget all my troubles, I do not dread poverty, and I am not terrified by death. I absorb myself into them completely.¹⁸

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Adams had an instinctive sympathy with Machiavelli's feelings. Writing in 1790 to the travel writer Alexander Jardine (who had praised his *Defence of the Constitutions of Government*), Adams declared, "I know not how it is, but mankind have an aversion to the study of the science of government. Is it because the subject is dry? To me, no romance is more entertaining."¹⁹ Like Machiavelli, Adams derived delight and consolation from studying politics. Like Machiavelli, Adams moved between his "workday" world and "the venerable courts of the ancients." Like Machiavelli, Adams deemed himself fit to enter that intellectual realm because he was confident that they would deem him qualified to enter their world, and because they would "solicitously receive[]" him to "converse with them." Like Machiavelli, Adams worked hard to understand and to convey the political and historical lessons that the ancients had to teach.²⁰

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Seeking to explain and justify the Western world's wisdom, reveling in the hard intellectual work that such pursuits required, Adams took his constitutional and political thought

personally. His ideas about politics were integral to his sense of who he was, and he took as personal affronts challenges to the ideas that he worked so hard to distill and express.²¹ Thus, he upbraided such adversaries as Paine, Franklin, and Jefferson for ignoring the lessons of history as he understood them. By preferring a simple constitution and spurning ideas of checks and balances and separation of powers, Adams charged, Franklin and Paine were rejecting humanity's amassed wisdom about what a sound constitution should be, endangering the liberties that a sound constitution would protect. By embracing the French Revolution while ignoring the obstacles to sound political building in its path, Adams insisted, Paine and Jefferson were flying in the face of human experience. The positions that Adams took were personal *and* intellectual, reflecting his deep investment in decades of study and reflection. For Adams, each realm of thought, feeling, and experience was linked to and reinforced the other.

Hovering over the other contexts shaping John Adams are his views of slavery and race and those focusing on the question of who get to be American citizens. Most scholars have thought past these issues, assuming that slavery and race were not important components of life in Massachusetts or in New England, and that they therefore did not affect John Adams. It is true that slavery was of small economic significance in Massachusetts; whether as lawyer, politician, or citizen, Adams had few interactions with slavery, and thus little reason to express his views on the subject. Still, he could not escape it. Race-based slavery still pervaded all the colonies of British North America. Indeed, slavery did not start to erode until in the 1780s Massachusetts courts found it a violation of the state's 1780 constitution.²² For Adams, slavery was a constant of human society and civilization, and he remained skeptical about humanity's ability or willingness to do away with it. And though he may not have been a conscious believer in white supremacy, he nonetheless shared the casual racism of his time, understanding that only white

New Englanders and Americans could possess political and legal rights. Only now are we learning to pay attention to this aspect of his thought.²³

This description of Adams's intertwined personal, political, and intellectual commitments applies equally to his contemporaries. Like him, most of them were quarrelsome, insecure, dogmatic, fearful, and optimistic. Because the American experiment's future was neither clear nor pre-ordained, ordinary and elite Americans clashed bitterly over its nature and destiny. Their battles over politics and ideas had three causes. Like Adams, they all had great philosophical and personal stakes in that political experiment's outcome. Creating a new government for a new nation was their time's great challenge, attracting its best and brightest minds, with the prize of fame as the reward for being right. That challenge was more than local and personal; they had all come to believe what Alexander Hamilton argued in *The Federalist No. 1*, that not just America's but humanity's future was at stake.²⁴

The best setting for studying conflicts dividing Americans in the revolutionary and early national periods is that of constitutional creation: devising and putting into effect constitutional frameworks, and authorizing, structuring, and limiting political conflict in a new, independent nation. Although they all wanted a constitution shaping a constitutional system, they differed about what it should be and how it should work.

Adams sought to preserve Anglo-American common-law constitutionalism, in particular its commitment to separation of powers and checks and balances. He spoke out against seductive but dangerous temptations to innovation and simplification.²⁵

His congressional adversary John Dickinson of Pennsylvania (later of Delaware) championed a version of constitutionalism imbued with the Quaker faith, promoting peaceful dissent as the best way to preserve rights and liberties.²⁶

Thomas Paine of Pennsylvania proposed a competing model of constitutionalism, grounded on popular government and embracing simplicity of constitutional ideas and structures. Benjamin Franklin leaned toward Paine's constitutional vision.²⁷

James Madison of Virginia advocated a form of constitutionalism emphasizing the balance between state sovereignty and national supremacy within a federal system, a concept that Adams never fully understood.²⁸

Thomas Jefferson of Virginia shared Madison's concern with federalism, but his constitutional vision differed from Madison's (and Adams's) and approached that of Paine and Franklin. Like them, he sought to promote the international democratic revolution ignited by the American Revolution, a point that Adams disputed from the 1790s to their deaths in 1826.²⁹

Alexander Hamilton and John Jay of New York offered a nationalist constitutionalism empowering a supreme general government both to restrain states' political powers and to create a great commercial republic for a Union that could stand the test of time.³⁰

Virginians George Washington and John Marshall shared Hamilton's views, but they were more willing to weave federalism into American nationalism than he was.³¹ Their nationalism was flavored with their attachment to Virginia, just as Adams's ideas about politics and government evidenced the impress of New England values and customs.

Competition among these versions of constitutionalism persisted from the 1770s to the 1820s and beyond.³² The American constitutionalism emerging from that era blended elements from all these versions, but arguments over its content and evolution remained bitter and divisive. If Adams was more intemperate about such matters than others were, it was a difference of degree, not of kind. Not only was each man wedded to his constitutional vision – each was sure that only his vision's victory would ensure the success of the American republic.

All these men had to operate on two levels equally necessary to constitutional creation. One level was that of principle. The other level was that of practicality, on-the-ground bickering over allocating resources and protecting interests.³³ Constitutional and political tests facing Americans in this era made both levels crucial to the task of constitutional creation. Within a generation, Americans moved from political theorizing to diagnose their former government's flaws; to drawing on history and law to create options for a new form of government; to testing and administering that new form of government – all while trying to remain committed to the idea of a united nation.

The demands of politics in the era of John Adams required a special kind of politician – not abstract political theorists like Hobbes, Locke, Hume, or Rousseau, or practical politicians who ran a government mechanically with no thought for the future. Rather, the time demanded *thinking politicians*, who worked primarily in the practical realm of politics yet who also saw and acted on the larger significance and effects of what they were doing.³⁴ In the political and constitutional battles of the nation's founding, we see thinking politicians at work.

This book tells the story of one such thinking politician.

NOTES

¹ “VI. “A Dissertation on the Canon and the Feudal Law,” No. 4, 21 October 1765,” *FO/NA*. The quotations in this and the next paragraph are from this source.

² The memoir by Adams’s great-grandson, Henry Brooks Adams, inspired this book’s title. Henry Adams, *The Education of Henry Adams* (Boston, MA: Houghton Mifflin, 1918 and later editions). For a similar life in context, see R. B. Bernstein, *Thomas Jefferson* (New York: Oxford University Press, 2003; paperback, 2005).

³ See the otherwise illuminating studies by Peter Shaw, *The Character of John Adams* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1975), and by John E. Ferling, *John Adams: A Life* (Knoxville: University of Tennessee Press, 1992; paperback reprints, New York: Henry Holt, 1996, and New York: Oxford University Press, 2010). A best-selling popular life stressing his character to the exclusion of nearly all else is David McCullough, *John Adams* (New York: Simon & Schuster, 2001).

⁴ See, for example, Correa Moylan Walsh, *The Political Science of John Adams: A Study in the Theory of Mixed Government and the Bicameral System* (New York: G. P. Putnam’s Sons/The Knickerbocker Press, 1915); and, to a lesser extent, C. Bradley Thompson, *John Adams and the Spirit of Liberty* (Lawrence: University Press of Kansas, 1998).

⁵ Precursors of this book’s approach include James Grant, *John Adams, Party of One* (New York: Farrar Straus Giroux, 2005), and Joseph J. Ellis, *Passionate Sage: The Character and Legacy of John Adams* (New York: W. W. Norton, 1992). See also Luke Mayville, *John Adams and the Fear of American Oligarchy* (Princeton, NJ: Princeton University Press, 2016), and Richard Alan Ryerson, *John Adams’s Republic: The One, the Few, and the Many* (Baltimore, MD: Johns Hopkins University Press, 2016). Page Smith’s Bancroft-Prize-winning biography, *John Adams*, 2 vols. (Garden City, NY: Doubleday, 1962), is more a collection of information than a sustained biographical treatment. By contrast, the brilliant, concise essay in Edmund S. Morgan, *The Meaning of Independence: John Adams, George Washington, and Thomas Jefferson* (Charlottesville: University of Virginia Press, 1976; reprint, with new foreword, 2004), 3-27, has been of great aid to me.

⁶ Douglass Adair, “Fame and the Founding Fathers,” in Trevor Colbourn, ed., *Fame and the Founding Fathers: Essays of Douglass Adair* (New York: W. W. Norton for Institute of Early American History and Culture, 1974; reprint ed., Indianapolis, IN: Liberty Fund, 1998), chapter 1. For helpful discussion of a similar problem affecting Marcus Tullius Cicero, whom Adams saw as a hero and role model, see Kathryn Tempest, *Cicero: Politics and Persuasion in Ancient Rome* (London and New York: Continuum, 2011) esp. 2-7.

⁷ Edith B. Gelles, *Abigail and John: Portrait of a Marriage* (New York: William Morrow, 2009). Other treatments include Joseph J. Ellis, *First Family: Abigail and John Adams* (New York: Alfred A. Knopf, 2010), and G. J. Barker-Benfield, *Abigail and John Adams: The Americanization of Sensibility* (Chicago: University of Chicago Press, 2010). On Abigail, see generally Edith B. Gelles, *Portia: The World of Abigail Adams* (Bloomington: Indiana University Press, 1992); Edith B. Gelles, *First Thoughts: Life and Letters of Abigail Adams* (Boston, MA: Twayne Publishers, 1998; reprinted in paperback as *Abigail Adams: A Writing Life*, London and New York: Routledge, 2002); and Woody Holton, *Abigail Adams* (New York: Free Press, 2009).

⁸ The work of Merrill Jensen, Jack P. Greene, and David Hackett Fischer have been of immense aid. Merrill M. Jensen, ed., *Regionalism in America* (Madison: University of Wisconsin Press, 1951); Jack P. Greene, *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill: University of North Carolina Press for Omohundro Institute for Early American History and Culture, 1988); David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989). I am deeply indebted for this point to conversations with Professor William E. Nelson of New York University School of Law.

⁹ L. Kinvin Wroth and Hiller Zobel, eds., *The Adams Papers, Series III: The Legal Papers of John Adams*, 3 vols. (Cambridge, MA: Belknap Press of Harvard University Press, 1965). Draft legal pleadings and essays are scattered through Adams’s diary, showing how central Adams’s legal work was to his understanding of himself. For excellent treatments of that legal world, William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830* (Cambridge, MA: Harvard University Press, 1975; reprint, with new introduction, Athens: University of Georgia Press, 1994), and Daniel R. Coquillette, ed., *Law in Colonial Massachusetts, 1630-1800* (Charlottesville: University Press of Virginia for Colonial Society of Massachusetts, 1984). See also William E. Nelson, *The Common Law in Colonial America*, 4 vols. (New York: Oxford University Press, 2008-2017). Finally, I am deeply indebted to Professor Charles L. Zelden of Nova Southeastern University,

particularly for his biography of Thurgood Marshall, another great man of law. We eagerly await Richard Samuelson's forthcoming study, "John Adams and the Republic of Laws."

¹⁰ Gordon S. Wood, *The Americanization of Benjamin Franklin* (New York: The Penguin Press, 2004), 154-157.

¹¹ Gerald Stourzh, *Benjamin Franklin and American Foreign Policy* (Chicago: University of Chicago Press, 1954; rev. ed., 1969), see also Wood, *Americanization of Franklin*, 153-200; James H. Hutson, *John Adams and the Diplomacy of the American Revolution* (Lexington: University Press of Kentucky, 1980).

¹² James T. Patterson, *Grand Expectations: The United States, 1944-1974* (New York: Oxford University Press, 1997), 283 (Winston S. Churchill on U.S. Secretary of State John Foster Dulles).

¹³ Kathleen Bartolini-Tuazon, *For Fear of an Elective King: George Washington and the Presidential Titles Controversy of 1789* (Ithaca, NY: Cornell University Press, 2014).

¹⁴ Roy Porter and Mikulas Teich, eds., *The Enlightenment in National Context* (Cambridge, Eng., and New York: Cambridge University Press, 1981). On the radical Enlightenment, see Jonathan I. Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, NJ: Princeton University Press, 2010). For the contrast between the European and American Enlightenments, see Henry Steele Commager, *Empire of Reason: How the Europeans Imagined and the Americans Realized the Enlightenment* (New York: Anchor Books/Doubleday, 1977).

¹⁵ On the English Enlightenment, Roy Porter, *The Creation of the Modern World: The British Enlightenment* (New York: W. W. Norton, 2000).

¹⁶ JA to AA, after 12 May 1780. AFPEA/MHS.

¹⁷ This phrase, a favorite with Adams, appears most famously in *Thoughts on Government*: "III. Thoughts on Government, April 1776," FO/NA.

¹⁸ Niccolò Machiavelli to Francesco Vettori, December 10, 1513, in J. B. Atkinson and David Sices, eds. and trans., *Machiavelli and His Friends: Their Personal Correspondence* (DeKalb: Northern Illinois University Press, 1996), 262-265 (quotation at 264).

¹⁹ "From John Adams to Alexander Jardine, 1 June 1790," FO/NA. [Early Access document].

²⁰ C. Bradley Thompson, "John Adams's Machiavellian Moment," *Review of Politics* 57:3 (Summer 1995): 389-417.

²¹ Stephen G. Kurtz, "The Political Science of John Adams: A Guide to His Statecraft," *William and Mary Quarterly*, 3rd series, 25:4 (October 1968): 605-613.

²² Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca, NY: Cornell University Press, 1998); Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2017); Lorenzo Johnston Greene, *The Negro in Colonial New England, 1620-1776* (New York: Columbia University Press, 1942; rept. New York: Atheneum, 1963).

²³ John R. Howe, Jr., "John Adams's Views on Slavery," *Journal of Negro History* 49:3 (July 1964): 101-106. And see Arthur Scherr, *John Adams, Slavery, and Race: Ideas, Politics, and Diplomacy in an Age of Crisis* (Santa Barbara, CA/Denver, CO: Praeger, 2018).

²⁴ "The Federalist No. 1, [27 October 1787]," FO/NA; Henry Steele Commager, "Leadership in Eighteenth-Century America and Today," *Daedalus* 90:4 (Fall 1961): 652-673, reprinted in Henry Steele Commager, *Freedom and Order: A Commentary on the American Political Scene* (Cleveland and New York: World Publishing Company, 1966), 149-170 (notes at 318-320).

²⁵ Thompson, *John Adams and the Spirit of Liberty*, *passim*; John R. Howe, *The Changing Political Thought of John Adams* (Princeton, NJ: Princeton University Press, 1966); Zoltan Haraszti, *John Adams and the Prophets of Progress* (Cambridge, MA: Harvard University Press, 1952); and Timothy H. Breen, "John Adams' Fight against Innovation in the New England Constitution: 1776," *New England Quarterly* 40:4 (December 1967): 501-520. C. Bradley Thompson, ed., *The Revolutionary Writings of John Adams* (Indianapolis, IN: Liberty Fund, 2000); John Patrick Diggins, ed., *The Portable John Adams* (New York: Penguin Classics/Penguin Books, 2004); George A. Peek, ed., *Political Writings of John Adams* (Indianapolis, IN, and New York: Bobbs-Merrill/Library of Liberal Arts, 1954); and George W. Carey, ed., *The Political Writings of John Adams* (Washington, D.C.: Regnery Publishing, Inc., 2000). The two newest and best examinations of John Adams's political thought are Mayville, *John Adams and the Fear of American Oligarchy*, and Ryerson, *John Adams's Republic*. See also Scherr, *John Adams, Slavery, and Race*, *passim*. Nancy Isenberg and Andrew Burstein, *The Problem of Democracy: The Presidents Adams Confront the Cult of Personality* (New York: Viking, 2019), came out just as I was doing the final edit of this book; I have tried to take account of its arguments.

²⁶ Jane E. Calvert, *Quaker Constitutionalism and the Political Thought of John Dickinson* (Cambridge, Eng., and New York: Cambridge University Press, 2009). I am grateful to Jane Calvert for her emendation of this sentence.

²⁷ Gregory Claeys, *Thomas Paine: Social and Political Thought* (Boston and London: Unwin Hyman, 1989); Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976; updated edition, 2004); Eric Foner, ed., *Thomas Paine: Collected Writings* (New York: Library of America, 1994); Jack Fruchtman, *The Political Philosophy of Thomas Paine* (Baltimore, MD: Johns Hopkins University Press, 2009); and R. B. Bernstein, "Review Essay: Rediscovering Thomas Paine," *New York Law School Law Review* 39:4 (1994): 873-929. On Franklin, see Wood, *Americanization of Benjamin Franklin*; Stourzh, *Franklin*; Carla J. Mulford, *Benjamin Franklin and the Ends of Empire* (New York: Oxford University Press, 2015); Paul W. Conner, *Poor Richard's Politics: Benjamin Franklin and His New American Order* (New York: Oxford University Press, 1965); Lorraine Smith Pangle, *The Political Philosophy of Benjamin Franklin* (Baltimore, MD: Johns Hopkins University Press, 2007); J. A. Leo Lemay, ed., *Benjamin Franklin: Writings* (New York: Library of America, 1987); Ralph Ketcham, ed., *The Political Thought of Benjamin Franklin* (Indianapolis, IN: Hackett Publishing, 2003; orig. ed., Indianapolis, IN, and New York: Bobbs-Merrill, 1965); and Alan Houston, ed., *Franklin: The Autobiography and Other Writings on Politics, Economics, and Virtue* (Cambridge, Eng., and New York: Cambridge University Press, 2004).

²⁸ On Madison, see Lance Banning, *The Sacred Fire of Liberty: James Madison and the Origins of the Federal Republic* (Ithaca, NY: Cornell University Press, 1995); Drew R. McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (Cambridge, Eng., and New York: Cambridge University Press, 1989); Jack N. Rakove, *James Madison and the Creation of the American Republic*, 3d edition (New York: Pearson/Longman, 2007); Jack N. Rakove, *A Politician Thinking: The Creative Mind of James Madison* (Norman: University of Oklahoma Press, 2017); Ralph Ketcham, *James Madison* (New York: Macmillan, 1971; reprint ed., Charlottesville: University Press of Virginia, 1990); Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government* (Cambridge, Eng., and New York: Cambridge University Press, 2009); Jack N. Rakove, ed., *James Madison: Writings* (New York: Library of America, 1999); Marvin Meyers, ed., *The Mind of the Founder: Selected Writings of James Madison*, revised edition, (Hanover, NH: University Press of New England, 1981); Irving N. Brant, *James Madison*, 6 vols. (Indianapolis, IN, and New York: Bobbs-Merrill, 1941-1961); and Colbourn, ed., *Fame and the Founding Fathers*.

²⁹ On Jefferson, see, e.g., Bernstein, *Jefferson*; Peter S. Onuf, ed., *Jeffersonian Legacies* (Charlottesville: University Press of Virginia, 1993); Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: University Press of Virginia, 2000); Peter S. Onuf, *The Mind of Thomas Jefferson* (Charlottesville: University of Virginia Press, 2007); David N. Mayer, *The Constitutional Thought of Thomas Jefferson* (Charlottesville: University Press of Virginia, 1994); Dumas Malone, *Jefferson and His Time*, 6 vols. (Boston: Little, Brown, 1948-1981); Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York: Oxford University Press, 1971); and Merrill D. Peterson, ed., *Thomas Jefferson: Writings* (New York: Library of America, 1984). On the "age of the Democratic Revolution," R. R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800*, 2 vols. (Princeton, NJ: Princeton University Press, 1959-1964; one-vol. ed., Princeton, NJ: Princeton University Press, 2014), supplemented by Jane S. Polasky, *Revolution Without Borders: The Call to Liberty in the Atlantic World* (New Haven, CT: Yale University Press, 2015).

³⁰ On Hamilton, see Joanne B. Freeman, ed., *Alexander Hamilton: Writings* (New York: Library of America, 2001); Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford, CA: Stanford University Press, 1970); Karl-Friedrich Walling, *Republican Empire: Alexander Hamilton on War and Free Government* (Lawrence: University Press of Kansas, 1999); John Lamberton Harper, *American Machiavelli: Alexander Hamilton and the Origins of U.S. Foreign Policy* (Cambridge, Eng., and New York: Cambridge University Press, 2004); Clinton L. Rossiter, *Alexander Hamilton and the Constitution* (New York: Harcourt, Brace & World, 1964); John C. Miller, *Alexander Hamilton: Portrait in Paradox* (New York: Harper, 1959); Forrest McDonald, *Alexander Hamilton: A Biography* (New York: W. W. Norton, 1979); Michael P. Federici, *The Political Philosophy of Alexander Hamilton* (Baltimore, MD: Johns Hopkins University Press, 2012); and Ron Chernow, *Alexander Hamilton* (New York: Penguin Press, 2004). On John Jay, Richard B. Morris, *John Jay, the Nation, and the Court* (Boston, MA: Boston University Press, 1967), and Walter Stahr, *John Jay: Founding Father* (New York: Hambledon and London, 2005).

³¹ On Washington, Jeffry H. Morrison, *The Political Philosophy of George Washington* (Baltimore, MD: Johns Hopkins University Press, 2009); Glenn A. Phelps, *George Washington and American Constitutionalism* (Lawrence: University Press of Kansas, 1993); Robert F. Jones, *George Washington: Ordinary Man, Extraordinary Leader* (Bronx, NY: Fordham University Press, 2002); Edmund S. Morgan, *The Genius of George Washington* (Washington, D.C.: Society of the Cincinnati, 1980); Marcus W. Cunliffe, *George Washington: Man and Monument* (Boston: Little, Brown, 1958); and John F. Rhodehamel, ed., *George Washington: Writings* (New York: Library of

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³² On other constitutional visions, Ray Raphael, Alfred F. Young, and Gary B. Nash, eds., *Revolutionary Founders: Rebels, Radicals, and Reformers in the Making of the Nation* (New York: Alfred A. Knopf, 2011); Mark David Hall, *Roger Sherman and the Creation of the American Republic* (New York: Oxford University Press, 2013).

³³ William E. Nelson, "Reason and Compromise in the Establishment of the Federal Constitution, 1787-1801," *William and Mary Quarterly*, 3rd series, 44:3 (July 1987): 458-484, and Jack N. Rakove, "The Great Compromise: Ideas, Interests, and the Politics of Constitution Making," *id.*, 424-457.

³⁴ Since I wrote the first drafts of this preface, I have come across Rakove, *A Politician Thinking*. It is good to know that my thinking runs in parallel with that of one of the field's best scholars.

CHRONOLOGY

1735

October 30 N.S. (October 19 O.S.): John Adams born in Braintree, Massachusetts, the first son of (Deacon) John Adams and Susanna Boylston

1738

Birth of John Adams's first brother, Elihu Adams (dies 1775)

1741

Begins school at Dame Belcher's house, where he studies arithmetic, reading, and religion.
Birth of John Adams's second brother, Peter Adams (dies 1823)

1743

Begins attending Braintree's Latin School, headed by Joseph Cleverly

1744

November 25: Birth of Abigail Smith (later Abigail Adams)

1749

John persuades his father to send him for schooling to Joseph Marsh, who prepares him for his admission exams to Harvard.

1751

John Adams is admitted to Harvard College.

1753

June 8: John Adams begins his diary.

1755

July: John is graduated from Harvard College. The Worcester clergyman Rev. Thaddeus McCarty hires him as a schoolmaster.

1756

August 21: John reaches apprenticeship agreement with James Putnam, who is to supervise his study of law.

1758

November 6: John is admitted to the bar of Suffolk County.

1759

Summer: John Adams and Abigail Smith meet for the first time.

1761

January: John Adams and Samuel Quincy observe the writs of assistance case (*Petition of Lechmere*) in Massachusetts Superior Court held in Town House in Boston.

May 25: Deacon John Adams dies of influenza.

1763

Treaty of Paris ends French and Indian War (Seven Years War).

1764

John undergoes inoculation for smallpox and endures quarantine for two months.

Parliament enacts Sugar Act.

October 25: John marries Abigail Smith after two years of courtship.

1765

March: Parliament enacts the Stamp Act.

July 14: Birth of John's and Abigail's first child, Abigail Amelia ("Nabby").

August: Stamp Act Crisis

August: John Adams publishes anonymously "A Dissertation on Canon and Feudal Law"

October: Forty Massachusetts towns adopt the "Braintree Instructions" written by Adams.

1766

March 18: Parliament repeals the Stamp Act and adopts the Declaratory Act.

1767

June: Parliament enacts Townshend Acts

July 11: Birth of John's and Abigail's first son, John Quincy.

1768

January: The Adams family moves to Boston, settling in a white house on Brattle Street.

October: British authorities send four thousand soldiers to Boston to keep civil order.

December 28: Birth of John's and Abigail's second daughter, Susanna.

1770

February 4: Daughter Susanna dies, thirteen months old.

March 5: Boston Massacre – five Bostonians slain by British soldiers after skirmish.

May 29: Birth of John's and Abigail's second son, Charles.

June: Adams is elected to the Massachusetts General Court.

October: Boston Massacre trials. Adams defends Thomas Preston and the soldiers; jury acquits Preston and six of the eight soldiers but convicts two of manslaughter.

1771

John moves his family back to Braintree.

1772

September 15: Birth of John's and Abigail's third son, Thomas Boylston.

1773

As newly elected member of Massachusetts General Court, Adams wages polemical duel with Massachusetts Governor Thomas Hutchinson, writing responses to the governor's addresses.

December 16: Boston Tea Party

1774

May: Parliament enacts Coercive Acts (Intolerable Acts) to punish Boston for the Tea Party.

September-October: Adams is a Massachusetts delegate to First Continental Congress in Philadelphia.

1775

Adams writes *Novanglus* essays to answer *Massachusettensis*.

April 19: Battle of Lexington and Concord.

May: Adams is a Massachusetts delegate to the Second Continental Congress.

June: Adams nominates George Washington as commander of the Continental Army.

June: Battle of Bunker Hill, witnessed from Braintree by Abigail and John Quincy Adams.

July 5: John Adams signs Second Continental Congress's Olive Branch Petition to George III.

October: Deaths from dysentery of Abigail's mother and John's brother Elihu.

1776

January: Thomas Paine publishes *Common Sense*.

April: Adams publishes *Thoughts on Government*.

May 10-15: Second Continental Congress adopts Adams's resolution authorizing colonies to frame new state constitutions.

June: Adams frames Plan of Treaties for alliances with European nations.

June 8: Richard Henry Lee of Virginia introduces package of resolutions for independence in Congress.

June: Adams named to committee to prepare declaration of American independence.

July 2: Second Continental Congress adopts Virginia resolutions on independence, on articles of confederation, and on United States seeking alliances with foreign nations.

July 4: Congress adopts Declaration of Independence.

September: British troops occupy New York.

1777

January: John returns to Continental Congress.

July: Abigail gives birth to stillborn daughter, Elizabeth.

November 15: Congress proposes Articles of Confederation to states.

Congress chooses Adams as American commissioner to go to France.

1778

February 8: Benjamin Franklin signs treaty of alliance and commerce, including French

recognition of U.S. independence.

February-April: Adams sails to France, with John Quincy.

1779

March – August: John Adams and John Quincy Adams sail home to Massachusetts.

October: Adams drafts Massachusetts Constitution for the state's constitutional convention.

November: Adams, with John Quincy and Charles, returns to Europe as peace commissioner.

1780

February 8: The Adams party reaches Paris after overland trek across Spain and France..

June – July: Congress authorizes Adams to negotiate a loan with the Netherlands; Adams travels to Amsterdam to undertake the mission.

October 25: Massachusetts constitutional convention declares the state constitution sent to town meetings in 1779 ratified and in effect.

1781

March 1: Articles of Confederation ratified by Maryland (the thirteenth state).

Adams falls ill, suffering from strain of talks with Netherlands.

Adams gets word from home of political steps in Congress against him.

October 19: U.S. victory at Yorktown, Virginia. British surrender and agree to negotiate peace.

Dutch authorities welcome American victory and American-Dutch negotiations progress.

1782

April 19: The Netherlands recognizes American independence.

June: Adams secures a \$2 million loan from Dutch bankers.

June 23: John Jay arrives in Paris

October: Jay and Adams form common cause in preparing for peace negotiations with Britain.

November: American and British diplomats agree on Preliminary Treaty of Peace.

1783

July 22: Benjamin Franklin writes letter to Congress declaring John Adams “always an honest Man and often a Wise One, but sometimes and in some things absolutely out of his senses.”

September 3: Adams, Franklin, and Jay sign the Treaty of Paris, ending war with Britain and securing British recognition of U.S. independence.

September: Benjamin West paints unfinished group portrait of American diplomats, “The Peacemakers.”

1784

August: Thomas Jefferson arrives in Paris.

Adams, Franklin, Jay, and Jefferson serve as commissioners to secure commercial treaties.

Adams negotiates a second loan with the Netherlands.

June – July: Abigail and Nabby sail from Boston to Paris.

August 7: Abigail and Nabby reunite with John.

1785

February 24: Congress names Adams is named first U.S. minister to Great Britain.

May 2. Adams gets news of his appointment as U.S. minister to Great Britain.

June 1: Adams has first audience with George III.

Adams secures treaty of alliance and commerce with Prussia.

Adams lays groundwork for treaty of alliance and commerce with Portugal (completed 1791)

1786

June: Nabby Adams marries Col. William Stephen Smith, John Adams's secretary in London.

The Adamses and Jefferson hear of Shays's Rebellion in Massachusetts.

1787

January: Adams publishes volume 1 of *Defence of the Constitutions of the United States* in London (two more volumes follow within the year).

September 17: Federal Convention signs proposed U.S. Constitution.

September: Ratification contest over U.S. Constitution begins.

1788

February 21: John Adams's final audience with King George III.

April: John and Abigail leave Britain, arriving in Boston on June 17.

June: John and Abigail settle into Vassall-Borland House, which John names Peacefield.

July 26: U.S. Constitution wins eleventh state ratifications, replacing Articles of Confederation.

September: Confederation Congress launches process to put Constitution into operation.

1789

April 1: Government under Constitution is launched in New York City, temporary capital of United States.

April 6: George Washington and John Adams elected first president and vice president.

April 12: Adams receives official word of his election and leaves for New York City.

April 21: Adams takes office as vice president.

April 30: Washington inaugurated as president.

May: Titles dispute.

June: Washington falls ill but recovers.

July 14: Storming of Bastille in Paris launches French Revolution

1790

April 17: Benjamin Franklin dies.

May: Washington again falls ill but recovers.

Adams begins publishing *Discourses on Davila* in *Gazette of United States*.

1791

April: Adams breaks off *Discourses on Davila*, ending his work as a thinking politician.

December 15: Virginia is eleventh of fourteen states to ratify the ten constitutional amendments later known as the U.S. Bill of Rights, adding them to the U.S. Constitution.

1792

September: France abolishes monarchy and becomes a republic.
Washington and Adams are reelected as president and vice president.

1793

January 21; French government tries and executes Louis XVI.
February: Great Britain, Prussia and Austria declare war on France.
April: Washington issues Proclamation of Neutrality keeping United States out of European war.
Citizen Genet Affair (ends in January 1794 when France recalls Genet as minister to United States and President Washington grants Genet's petition for asylum).

1794

John Quincy Adams becomes American minister to the Netherlands.
Whiskey Rebellion.

1795

August 29: Charles Adams marries Sarah (Sally) Smith in New York.

1796

September 19: Washington publishes Farewell Address in newspapers. Announcing that he will step down from the presidency at the end of his term, he establishes two-term tradition.
Adams is elected second president; his opponent, Jefferson, is elected vice president.

1797

February 8: Vice President Adams conducts official count of electoral votes, announces his election as president
February 12, Adams delivers farewell speech to the Senate.
March 4: Adams is sworn in as president.
May 16: Adams delivers speech to Congress attacking French rebuffs to United States.
June: Adams appoints John Quincy Adams U.S. minister to Prussia.
July: John Quincy Adams marries Louisa Catherine Johnson in London.
Negotiators Charles C. Pinckney, John Marshall, and Elbridge Gerry sent to Paris.

1798

Department of the Navy created.
March-April: XYZ Affair.
Marshall returns home bearing documents of XYZ affair and failed American mission.
Adams times documents' release for maximum political effect.
Quasi-War – naval clashes between French and U.S. warships.

Adams names Washington as commander of U.S. Army

Enactment of Alien and Sedition Acts.

William Vans Murray, U.S. minister to Netherlands, reports to President Adams that France is willing to engage in peace talks. Adams encourages Vans Murray to pursue the matter.

United States providing covert aid to rebel government in Haiti.

1799

March: Fries' Rebellion in Pennsylvania against taxes levied to support Quasi-War.

Adams discovers his son Charles's alcoholism and pennilessness and disowns him.

Adams begins organizing peace mission to France, rebuffs dissent from his cabinet.

November: On Adams's orders, negotiators Chief Justice Oliver Ellsworth, William Vans Murray, and William Richardson Davie sail for France.

Bitter argument between Adams and Hamilton.

December: George Washington dies at 67.

1800

Capital relocates from Philadelphia to Washington, D.C.

Adams demands McHenry's resignation, fires Pickering, and confines Wolcott to treasury duties.

May: Adams named Federalist candidate for president, with Charles C. Pinckney as running mate. Vice President Jefferson is Republican candidate, with Aaron Burr as running mate.

May 21: Adams pardons Fries and other defendants convicted of treason.

October: Alexander Hamilton publishes *A Letter on the Character and Conduct of the Hon. John Adams, Esq., President of the United States*. Pamphlet divides Federalists, damages both Adams and Hamilton.

November 2: Adams moves to President's House in Washington D.C.

November 30: Charles Adams dies at thirty.

December: Republicans win 1800 national election, carrying presidency, House, and Senate.

Treaty of Morfontaine negotiated by Ellsworth, Vans Murray, and Davie settles hostilities between U.S. and France, ending Quasi War.

Adams receives Ellsworth's resignation as Chief Justice, and nominates Jay to succeed him.

Senate confirms Jay's nomination.

1801

January 2: Jay declines reappointment to the Court.

February: Adams nominates and Senate confirms John Marshall as fourth Chief Justice.

Judiciary Act of 1801 reshapes federal judiciary; Adams nominates and Senate confirms circuit court judges and other officials, including justices of the peace in the District of Columbia.

On thirty-sixth ballot, House of Representatives declares Jefferson elected president, with Aaron Burr as vice president.

March 4: Adams leaves Washington, D.C., for Quincy; Jefferson inaugurated as president.

March 17: Adams arrives in Quincy.

Massachusetts state legislature journeys from Boston to Quincy to welcome Adams home.

1802

October: Adams begins *Autobiography*.

1803

Failure of London bank threatens John and Abigail, but John Quincy Adams resolves the crisis.
William Cunningham launches correspondence with Adams.

1804

Correspondence between Abigail Adams and Thomas Jefferson
November: Jefferson elected for a second term.

1805

Discourses on Davila is published in book form in Boston, reproducing 31 of 32 essays.

May 16: Thomas Boylston Adams marries Ann Harrod.

John Adams and Benjamin Rush resume their correspondence.

Rush repeatedly urges Adams and Jefferson to resume their friendship.

1807

Bitter quarrel between Adams and Mercy Otis Warren over her depiction of him in her *History*.
Adams breaks off writing *Autobiography*.

1808

James Madison is elected fourth president

1809

Adams begins writing Boston *Patriot* essays, continuing until 1811.

Cunningham begins series of increasingly agitated letters attacking Adams's political views.

1812

Adams writes to Jefferson, resuming their correspondence, which continues until 1826.

War of 1812.

Adams breaks off correspondence with Cunningham.

1813

April 19: Death of Benjamin Rush.

August 15: Nabby Adams dies of breast cancer at forty-eight.

1815

John Quincy Adams leads negotiation Treaty of Ghent, which ends War of 1812

1817

John Quincy Adams becomes James Monroe's secretary of state.

1818

October 28: Abigail Adams dies of typhoid fever at seventy-three.

1819

Volume collecting *Novanglus* and *Massachusettensis* essays published in Boston.

1820

November 15: Adams serves as delegate to 1820 Massachusetts constitutional convention (ending on January 9, 1821).

1823

Ephraim May Cunningham publishes William Cunningham's correspondence with John Adams, hoping to damage John Quincy Adams's presidential hopes in 1824.

Jefferson reassures Adams that the Cunningham letters make no difference to their friendship.

1825

February: John Quincy Adams is elected President of the United States.

1826

July 4: John Adams dies at 90. He is buried alongside his wife in the Adams family crypt at Hancock Cemetery.

Thomas Jefferson dies at 83.

1828

John and Abigail transferred to their final resting place in the crypt in the "Church of the Presidents."

CHAPTER ONE

“Something should be said of my origin.”

From Braintree to Harvard

(1735-1755)

John Adams found his origins and his family’s history fascinating. Certain that his role in creating a new nation was the centerpiece of his life and legacy, he also treasured his past, for its usefulness in reminding himself and in edifying his descendants about who he was and what he valued. Beginning his unfinished *Autobiography* with an account of his family history, he wrote, “The Customs of Biography require that something should be said of my origin.”¹

Braintree, Massachusetts, Adams’s birthplace, was a farming village ten miles south of Boston and thirty miles north of Plymouth.² The first English settlers arrived in the area in 1625 and incorporated the town of Braintree in 1640. In 1632 or 1633 Henry Adams arrived, accompanied by his wife, eight sons, and a daughter. This first American Adams, known as Henry Adams of Braintree, was from the English village of Braintree in the county of Essex; he came to New England as part of a company of emigrants led by Reverend Thomas Hooker, the Puritan clergyman who founded the colony of Connecticut.

Henry Adams of Braintree, a maltster (brewer) and a farmer, died in 1646. In 1817, John Adams erected a large granite tombstone in the churchyard of the village of Quincy (which had absorbed the town of Braintree), to honor his first American ancestor for “[taking] his flight from the Dragon persecution....” This inscription voices a theme of Adams’s politics: his admiration for the seventeenth-century Englishmen who resisted political tyranny and religious persecution.³

Our John Adams belonged to the fifth generation of Adamses in America descended from Henry Adams of Braintree. Most of them, like him, were independent farmers who plied trades to eke out a living beyond what farming could provide. Among the Adams family's fourth American generation was Deacon John Adams; he was born in 1691, one of ten children. Besides his descent from Henry Adams of Braintree, he counted among his ancestors the Pilgrim couple John and Priscilla Alden. Like his predecessors, Deacon John Adams farmed for part of the year. When the weather prevented farming, he worked as a cordwainer, a shoemaker specializing in fine soft leather shoes and other high-quality footwear. Cordwainers were a cut above ordinary shoemakers, who though independent tradesmen were near the bottom of colonial New England's social and economic hierarchy.⁴

Deacon John Adams commanded his neighbors' esteem, holding many local offices: tithingman, constable, selectman, tax collector, and lieutenant of the town's militia. Finally, he was a longtime deacon of Braintree's Congregational church – a trusted secular official who helped to administer the church. His son John recalled him as “the honestest Man I ever knew. In Wisdom, Piety, Benevolence and Charity In proportion to his Education and Sphere of Life, I have never seen his Superiour.”⁵ Adams added: “He had a good education, though not at college, and was a very capable and useful man.... [He was] a man of strict piety and great integrity, much esteemed and beloved, wherever he was known, which was not far, his sphere of life being not very extensive.”⁶

In 1720, Deacon John Adams bought a salt-box house in Braintree. A structure built at the end of the seventeenth century, with a low, sloping roof pitched toward its back, this house stood by the road connecting Boston to Plymouth. Over the ensuing years he added to the six acres of land that he acquired with the house – a pattern of land acquisition that shaped his son's

economic priorities. Deacon John Adams farmed most of his 188 acres, but he also had an orchard, a salt marsh, a meadow, and woodland.

Having achieved financial stability, the deacon sought a wife. In October 1734, he married Susanna Boylston. The groom was forty-three and his bride was twenty-five; such an age difference between spouses was common in colonial and Revolutionary America. It was the first marriage for both of them, though we do not know why Deacon John Adams did not marry until his early forties.⁷ Susanna Boylston was the daughter of an eminent minister who belonged to a prominent Boston medical family; she was an energetic woman of convinced opinions who was not shy about expressing them, even arguing with her husband.

John Adams, their first child, was born in an upper-story room of the salt-box house on 19 October O.S. (30 October N.S.), 1735, a year after his parents' marriage. He was the oldest of three sons; Peter Boylston Adams followed in 1738 and Elihu Adams in 1741. As the eldest son, John became the focus of his parents' ambitions; his father intended him to enter the clergy after a good education, as the deacon's older brother Joseph had done.⁸ Peter and Elihu became farmers, like their father, with the minimal schooling needed to practice that calling. Elihu also emulated his father in becoming an officer of the militia. Taking part in the first months of the American Revolution, he died in 1775 at thirty-four, of dysentery contracted in a Continental Army camp. Peter Boylston Adams also entered the militia, serving during the Revolution, and returned to farming after the war; he died in 1823, three years before his celebrated brother.

Little is known of John Adams's childhood beyond the anecdotes that he preserved in his *Diary* and *Autobiography* and told to others, who recounted his stories in their books. In his *Autobiography*, he wrote, "I shall not consume much paper in relating the Anecdotes of my

Youth.”⁹ A healthy, sturdy child, he enjoyed exploring the land surrounding his father’s farm and such pursuits as hunting and fishing.

Adams felt love, respect, and admiration for his father. He gave his father’s family the credit for his education, suggesting that the source of the Adams passion for knowledge was his father’s mother: “From his Mother probably my Father received an Admiration of Learning as he called it, which remained with him, through Life, and which prompted him to his unchangeable determination to give his first son a liberal Education.”¹⁰ Susanna Boylston Adams makes few appearances in her son’s *Autobiography* beyond his dutiful recording of her family background and upbringing. We should not make too much of Adams’s failure to discuss his mother, however; many of his contemporaries, among them Benjamin Franklin, Thomas Jefferson, and James Madison, downplayed their mothers in their autobiographies, while stressing their fathers.

Adams’s schooling began with happy years studying his ABCs at a “dame school” near Penn Hill run by Dame Belcher, the mother of another deacon of the town church. Besides his studies, John helped his schoolmistress carry the corn she raised to the local grist-mill; Dame Belcher gave John three copper cents after each trip and urged him to save the money “to buy land with.”¹¹ Her advice restated the conventional wisdom of John Adams’s world.

Adams discussed Dame Belcher only briefly in his *Autobiography*. By contrast, he focused on his first Latin schoolmaster, Joseph Cleverly. Decades later, he remained dissatisfied with Cleverly’s poor schooling. He recalled that his disappointment in Cleverly’s lackadaisical teaching threatened to extinguish his interest in schooling. Though as a child he may have preferred outdoor pursuits to being cooped up in a one-room schoolhouse, what dominated his account of his time at Braintree’s public Latin school was his unhappiness with Cleverly:

His inattention to his Schollars was such as gave me a disgust to Schools, to books and to study and I spent my time as idle Children do in making and sailing boats and Ships upon the Ponds and Brooks, in making and flying Kites, in driving hoops, playing marbles, playing Quoits, Wrestling, Swimming, Skaiting and above all in shooting, to which Diversion I was addicted to a degree of Ardor which I know not that I ever felt for any other Business, Study or Amusement.¹²

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Adams rebelled against his teacher, "the most Indolent man I ever knew."

In 1749, John urged his father not to send him to college, because he "did not love books." As he recalled in his autobiography, his startled father asked: "What would you do[,] Child?" John insisted that he wanted to be a farmer like his father. Deacon Adams put his son's choice to a test: "Well I will shew you what it is to be a Farmer. You shall go with me to Penny ferry tomorrow Morning and help me get Thatch." After a day of grueling work, his father asked, "Well John are you satisfied with being a Farmer[?]" A weary John insisted that he liked the farmer's life well; Deacon Adams growled, "Ay, but I don't like it so well. So you shall go to School to day." John reluctantly obeyed. (In another version, which he told in old age, his father put him to work at ditching; at the end of two days, John yielded, telling his father that he would rather return to his Latin grammar than keep digging ditches.¹³)

What was pushing him away from school, Adams realized, was impatience with Cleverly, not distaste for learning. Convinced that Cleverly was wrongly delaying his introduction to mathematics, John decided to teach himself the subject. He found a mathematics textbook "and applyd myself to it at home alone and went through the whole Course, overtook and passed by all the Schollars at School, without any master." But, he realized, he could not

share his achievement with his father. Because Deacon John Adams preferred that John study Latin (a subject crucial to admission to Harvard), he was indifferent to John's mathematical studies – and Cleverly's inattention to them.¹⁴

John appealed again to his father, offering a solution to the problem of his schooling. He asked to be enrolled in a local private school run by Joseph Marsh, promising that, if he could attend Marsh's school, he would devote himself to his studies. It was John Adams's first display of his lawyering ability; he was pleading the case for improving the arrangements for his education, with himself as his client and his father as judge and jury. Impressed with John's determination to pursue an education, the strength of his case against Cleverly, and the soundness of his proposed remedy, Deacon Adams agreed. The next day, he moved John to Marsh's school, persuading Marsh to accept John as a day scholar instead of insisting that he become a boarding student.¹⁵ Deacon John thus reduced the cost of paying Adams's new teacher. Almost immediately, John's taste for learning and study blossomed, and his academic performance improved.

While studying with Marsh, John acquired a collection of Cicero's *Orationes* in Latin, in which he scribbled with pride of ownership, "John Adams His Book 1749/50." This small leather-bound volume rode in John's pocket as he went to and from Marsh's school; it is the earliest relic of the education of John Adams, the first surviving volume of what became one of the largest and richest private libraries in North America.¹⁶ For the rest of his life, Adams admired and identified himself with the Roman senator, orator, lawyer, and philosopher.¹⁷

In 1751, with the time to apply to Harvard approaching, Deacon John Adams and his son made an agreement governing John's college studies: John agreed to accept his father's payment of his Harvard tuition as an advance distribution of his whole share of his father's estate.

Relieved of the burden of financing his college education, John had only to prove himself worthy of admission to Harvard. After a year of study preparing for the entrance examination, Marsh declared his pupil ready. John did not feel ready; he felt even worse when Marsh told him that he could not go with him to Cambridge for the examination. For the first time, Adams had to face a critical ordeal all by himself.

John rode on horseback from Braintree to Cambridge. As he recalled in old age, he often felt tempted to return home without facing the test, but he feared disappointing his father and his teacher more than he did taking the examination. Told when he arrived that he would have to translate a passage from Latin, he began to worry about his command of the language. Deducing the reasons for Adams's nervousness, a tutor, Joseph Mayhew, led him into an office with a dictionary, a grammar, pen, ink, and paper, and told him to take whatever time he needed. To his relief, Adams passed the examination, winning a partial scholarship. He took pleasure in sharing the news with Marsh and his parents, who declared themselves "well pleased" with his success.¹⁸

In 1751, when John Adams began his college studies, Harvard College was the oldest institution of higher learning in British North America. The college sat in the heart of the town of Cambridge; its two modest brick buildings, Harvard Hall (a dormitory and library) and Massachusetts Hall (offices and classrooms), dominated Cambridge's landscape.¹⁹ At the commencement exercises of 1755, Harvard officials recorded Adams as ranking fourteenth of the twenty-five matriculating students, based on "dignity of family" – a discreet term for the college's attention to social hierarchy rather than academic standing.²⁰

One problem tugged at John Adams's mind – the conflict between his parents' hopes that he become a minister and his own religious views. Despite their ambitions, he was aware of his theological doubts even before enrolling at Harvard. He had developed an independent cast of

mind regarding religion. The fate of his town's minister, Lemuel Briant, also affected him. Veering from the Congregational church's strict Calvinist teachings, in 1749 Briant preached a sermon rejecting such doctrines as original sin and the idea that the Almighty could save an individual by bestowing grace arbitrarily. This sermon was too much for Briant's parishioners. Controversy rocked Braintree, and the parish leaders put Briant on trial for his opinions and what they called his lax conduct as minister. Briant was tried in the largest room of Deacon Adams's house, where John observed at least some of the proceedings. Though the trial found in Briant's favor on many points, he resigned his pulpit. The trial shattered his high-strung nature, contributing to his death in 1754 at the age of thirty-four. The dispute's aftershocks reverberated through the parish. Realizing that his theological views were uncomfortably close to those for which Briant had been tried, John decided to pursue a secular calling instead of the ministry. For the time being, he kept his doubts to himself.²¹

John threw himself into his studies at Harvard. He applied himself to Latin and Greek, and to moral philosophy and natural philosophy (the era's term for science), the latter under the charge of a charismatic, brilliant scholar, John Winthrop Jr., the Hollis Professor of Mathematics and Natural Philosophy. Winthrop's teaching catalyzed Adams's interest in science, which persisted long after his graduation.²² Adams exploited the college's library, reading widely and deeply beyond the assigned texts.

At Harvard, traditions enforcing the rigors of college life persisted beside curricular innovations. The college's rules set a demanding schedule. Students began at dawn, attended regular prayer sessions, and had little time for meals during hours of study. Adams endured these rules without complaint; he also did not take part in the pranks with which students vexed

professors and administrators. His time at Harvard confirmed his enthusiasm for deep, wide-ranging reading and study.²³

In 1753, Adams began keeping a diary in a paper-backed booklet. In his time, it was natural for a college student to keep a diary to examine his life. Previous generations of New Englanders had used diaries as tools of self-examination within the context of Calvinist Protestantism; their efforts at self-evaluation had a theological purpose.²⁴ Adams's diary was something new; it recorded his self-examination by reference not to a standard dictated by an external context of religious beliefs, but rather by his own standard of self-improvement. Though virtue preoccupied him, the values animating his concerns were moral, not theological; inner-directed, not tradition-directed.²⁵

Adams used his diary irregularly. He often noted the weather and sometimes added details of his studies and of his social encounters. Though riddled with gaps, Adams's first experiment with diary-keeping was a significant event in his life and in his education. He returned to his diary after his graduation from Harvard, a natural occasion for self-assessment. He recorded notes of his study of law, drafts of essays legal and moral and of letters, and extensive and passionate self-reproaches. He continued his diary through the last year of his second term as vice-president. He poured out his heart to his diary, tried out new ways of speaking and writing and new personal and professional roles, and arraigned himself before the bar of his conscience.

John Adams had laid the foundations of his education. Beyond Latin and Greek, the ancient world's history and literature, and natural philosophy and natural history, among its components were the histories of his ancestors' lives in New England Puritan communities and their commitment to learning and study; his father's example and his insistence on John's

securing a good education; his antipathy to indolence and his admiration for effective teaching; his hunger for reading; and his decision not to pursue a career in the ministry.

Almost before John could grasp the fact, his college days were coming to an end. In July 1755, he received his A.B. degree. Graduating with distinction, he played a prominent role in the college's commencement exercises. He was chosen as one of four or five seniors (his designated role was "senior sophister") to conduct a formal disputation in Latin, with each disputant addressing a question previously assigned to him. He met the challenge ably and finished the process of commencement as a hero to his family and his neighbors in Braintree. And yet, the nineteen-year-old college graduate had no idea what he should do with his life.

NOTES

¹ John Adams autobiography, part 1, "John Adams," through 1776, sheet 1 of 53. AFPEA/MHS

² Charles Francis Adams, *History of Braintree, Massachusetts (1639-1708) The North Precinct of Braintree (1708-1792) and The Town of Quincy (1732-1889)* (Cambridge, MA: Printed at the Riverside Press, 1891).

³ "Tablet for Henry Adams' Grave," *The Magazine of History, With Notes and Queries* 7:5 (May 1908): 294-97 (quotation at 295).

⁴ Alfred F. Young, *The Shoemaker and the Tea Party: Memory and the American Revolution* (Boston, MA: Beacon Press, 1999), 19, 29.

⁵ John Adams autobiography, part 1, "John Adams," through 1776, sheet 2 of 53. AFPEA/MHS

⁶ Quoted in Gilbert Chinard, *Honest John Adams* (Boston, MA: Little, Brown, 1935), 8.

⁷ John E. Ferling, *John Adams: A Life* (Knoxville: University of Tennessee Press, 1992; pbk. rept., New York: Henry Holt, 1993), 10.

⁸ *Id.*, 9.

⁹ John Adams autobiography, part 1, "John Adams," through 1776, sheet 2 of 53. AFPEA/MHS.

¹⁰ *Id.*

¹¹ Chinard, *Honest John Adams*, 9.

¹² John Adams autobiography, part 1, "John Adams," through 1776, sheet 2 of 53. AFPEA/MHS. All quotations in this paragraph and the next come from this source.

¹³ *Id.* For the other version, Chinard, *Honest John Adams*, 11.

¹⁴ John Adams autobiography, part 1, "John Adams," through 1776, sheet 2 of 53, AFPEA/MHS

¹⁵ *Id.*

¹⁶ Robert C. Baron and Conrad Edick Wright, ed., *The Libraries, Leadership, and Legacy of John Adams and Thomas Jefferson* (Golden, CO: Fulcrum Publishing and Massachusetts Historical Society, 2010), esp. Beth Prindle, "Thoughts, Care, and Money: John Adams Assembles His Library," in *id.*, 3-19 & 260-1; and Zoltan Haraszti, *John Adams and the Prophets of Progress* (Cambridge, MA: Harvard University Press, 1952), 14-25. Adam's copy of Cicero's *Orationes* is online at <http://www.archive.org/stream/mtulliiciceronis00cice#page/n3/mode/2up>

¹⁷ I am grateful to James M. Farrell of the University of New Hampshire for sharing with me his superb studies of Cicero's importance to John Adams: James M. Farrell, "John Adams's *Autobiography*: The Ciceronian Paradigm and the Quest for Fame," *New England Quarterly* 62 (1989): 505-528; James M. Farrell, "'Syren Tully' and the Young

John Adams," *Classical Journal* 87 (1992): 373-390; James M. Farrell, "Letters and Political Judgment: John Adams and Cicero's Style." *Studies in Eighteenth-Century Culture* 24 (1994): 137-153.

¹⁸ John Adams autobiography, part 1, "John Adams," through 1776, sheet 2 of 53. AFPEA/MHS

¹⁹ Bainbridge Bunting, *Harvard: An Architectural History* (Cambridge, MA: Harvard University Press, 1998), esp. 318.

²⁰ Grant, *John Adams, Party of One*, 24, citing Clifford K. Shipton, *Sibley's Harvard Graduates: Biographical Sketches of Those Who Attended Harvard College* (Boston: Massachusetts Historical Society, 1965), 13:512.

²¹ John Adams autobiography, part 1, "John Adams," through 1776, sheet 3 of 53. AFPEA/MHS, and see Chinard, *Honest John Adams*, 17-18.

²² I. Bernard Cohen, *Science and the Founding Fathers: Science in the Political Thought of Thomas Jefferson, Benjamin Franklin, John Adams, & James Madison* (New York: W. W. Norton, 1995; revised pbk. ed. 1997), chapter 4.

²³ Grant, *John Adams, Party of One*, 22-25; Chinard, *Honest John Adams*, 12-17.

²⁴ Alan Macfarlane, *The Family Life of Ralph Josselin: A Seventeenth-Century Clergyman: An Essay in Historical Anthropology* (Cambridge, Eng.: Cambridge University Press, 1970; rept., New York: W.W. Norton, 1971), esp. 3-11.

²⁵ Bernard Bailyn, "Notes and Documents: Butterfield's Adams: Notes for a Sketch," *William and Mary Quarterly*, 3d ser., 19:2 (April 1962): 238-56; and Edmund S. Morgan, "Review Essay: John Adams and the Puritan Tradition," *New England Quarterly* 34: 4 (December 1961): 518-29; Dan Doll and Jessica Munns, eds., *Recording and Reordering: Essays on the Seventeenth-Century and Eighteenth-Century Diary and Journal* (Lewisburg, PA: Bucknell University Press, 2006).

CHAPTER TWO

“It is my Destiny to dig Treasures with my own fingers...”:

Law and Marriage

(1755-1765)

One close observer of Harvard’s 1755 commencement exercises was Rev. Thaddeus Maccarty of Worcester. His purpose was to recruit a Latin schoolmaster for his town, and he liked what he saw of the young orator from Braintree. When Maccarty approached John Adams and sketched the terms he was offering on Worcester’s behalf, Adams accepted. He would have an occupation, a source of income, and, most important, a respectable time to ponder his choice of career. Spending the summer after graduation with his family, he made the horseback journey of about sixty miles from Braintree to Worcester in one day.

Adams established himself in temporary lodgings with the town’s physician, Nahum Willard. He explored Dr. Willard’s medical library, to satisfy his eager curiosity about books and to test his interest in medicine as a career. Willard was the first of Adams’s temporary landlords during his service as schoolmaster. As was the custom, Adams was a boarder, moving from one house to another for a few months at a time, always paying the same rent, for which the town reimbursed him.

Having established himself, Adams suffered the emotional letdown so often besetting new college graduates embarking on the world. Worcester seemed to him an intellectual wasteland, deeply disappointing by contrast with the educational and cultural excitement of

Harvard College and Cambridge. The leading town in central Massachusetts, Worcester was forty miles west of Boston and thirty-eight miles east of Springfield. In 1755, with a population of about 1,500, it was little more than a frontier village.. Though he appreciated the townspeople's friendliness, Adams felt gloom and frustration, confiding his sour feelings to his diary.

Adams was discontented with Worcester and with schoolmastering, which he saw as drudgery mixed with boredom. He had about a dozen young students, whom he was to teach reading, writing, arithmetic, and Latin, with an infusion of religious and moral values. Sometimes he had to use corporal punishment to discipline them.

In September 1755, within weeks of his arrival, he wrote to his friends Nathan Webb and Richard Cranch, depicting his situation in mock-epic terms borrowed from John Milton. He used this satirical tone to cloak his feelings, but the satire could not conceal that he was bored, lonely, and unhappy. He described himself as "the gloomy Paedagogue" and a "haughty Monarch," his workplace as "a school of affliction," and his pupils as "a large number of little runtlings, just capable of lisping A.B.C. and troubling the Master." Though a neighbor reassured him that his teaching would help to make his pupils "Plants of Renown and Cedars of Lebanon," he complained, "I am certain that keeping this school any length of Time would make a base weed and ignoble shrub of me."¹ He begged his friends to write.

In his next letter to Webb, Adams pondered government and politics in ways foreshadowing his later career.² Beginning with a pious recognition that "[a]ll that part of Creation that lies within our observation is liable to Change," he shifted to the rise and fall of such empires as Rome and Carthage. Then he focused on Great Britain, "the greatest Nation upon the Globe," which had amassed a world-spanning empire.³ 1755 was the first year of its

latest, most terrible imperial war. Would the British Empire, he asked, suffer a decline similar to those of Rome, Carthage, and other ancient empires? In that case, might America supplant Britain as the center of the world's greatest empire? "Soon after the Reformation a few people came over into this new world for Conscience sake. Perhaps this (apparently) trivial incident, may transfer the great seat of Empire into America. It looks likely to me." He mused on the possibilities of American growth and the need to preserve union among the colonies – for he saw disunion as the leading threat to this happy American future. He explained half-seriously that he had fallen prey to his townsmen's obsession with politics, provoked by news of the French and Indian War:

Be not surprised that I am turn'd Politician. This whole town is immers'd in Politicks. The interests of Nations, and all the dira of War, make the subject of every Conversation. I set and hear, and after having been led thro' a maze of sage observations, I some times retire, and by laying things together, form some reflections pleasing to myself. The produce of one of these reveries, You have read above.

He closed with another plea to write soon and often.*

Adams's reasoning in this letter tracked the political thought of Benjamin Franklin – an ironic parallel, given the tension between them as diplomats decades later. In the 1750s, Franklin enthusiastically advocated British imperial greatness. As a colonial lobbyist in London seeking advancement in the empire's administration, he promoted an American role within the empire. He hoped that, just as the Emperor Constantine had transferred his government from Rome to

* In 1807, a kinsman of Nathan Webb returned this letter to Adams, who scribbled reflections on his friendship with Webb and on Webb's untimely death in 1760, which caused him great sorrow. He saw his letter as prophetic in its case for American claims to imperial status and its argument for the need to preserve American Union.

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Constantinople, a future sovereign might shift the British Empire's capital from England to America – perhaps to Philadelphia.⁴

Adams's letters and diary entries display his fascination with human nature, spurring him to observe his neighbors and his pupils and to record his observations, developing his eye for reading people. In his diary on 15 March 1756, he pictured himself presiding over his schoolroom as if it were the world in miniature and he was "some Dictator at the head of a commonwealth." He imagined his pupils' futures, which he thought he could predict based on observing their behavior:

In this little State I can discover all the great Genius's, all the surprizing actions and revolutions of the great World in miniature. I have severall renowned Generalls but 3 feet high, and several deep-projecting Politicians in petticoats. I have others catching and dissecting Flies, accumulating remarkable pebbles, cockle shells &c., with as ardent Curiosity as any Virtuoso in the royal society. Some rattle and Thunder out A, B, C, with as much Fire and impetuosity, as Alexander fought, and very often sit down and cry as heartily, upon being out spelt, as Cesar did, when at Alexanders sepulchre he recollected that the Macedonian Hero had conquered the World before his Age. At one Table sits Mr. Insipid foppling and fluttering, spinning his whirligig, or playing with his fingers as gaily and wittily as any frenchified coxcomb brandishes his Cane or rattles his snuff box. At another sitts the polemical Divine, plodding and wrangling in his mind about Adam's fall in which we sinned all as his primmer has it. In short my little school like the great World, is made up of Kings, Politicians, Divines, L.L.D.s, Fops, Buffoons, Fidlers, Sychophants, Fools, Coxcombs, chimney sweepers, and every other Character drawn in

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History or seen in the World....⁵

This letter drew on a literary device central to Thomas Grey's 1751 poem, "Elegy in a Country Churchyard"; Gray sketched people buried there, mapping types of humanity and meditating on fate and destiny. Adams also was doing what all good teachers do – taking responsibility for his students. Getting acquainted with them, he expressed with humor, warmth, and understanding the intimacy between teacher and student that often develops. Pursuing this kind of writing refined Adams's knowledge of human traits, abilities, and frailties – including his own.

As schoolmaster, Adams was a figure of some importance in Worcester. Though he was paid little more than a daily laborer, his Harvard degree and his reputation as a learned young man made him a respected figure in the town and a regular part of its social life. Each evening, he recorded conversations in his diary, penned character sketches of his neighbors, and examined himself. On 16 February 1756, he recorded his wistful ambitions:

Oh! that I could wear out of my mind every mean and base affectation, conquer my natural Pride and Self Conceit, expect no more deference from my fellows than I deserve, acquire that meekness, and humility, which are the sure marks and Characters of a great and generous Soul, and subdue every unworthy Passion and treat all men as I wish to be treated by all. How happy should I then be, in the favour and good will of all honest men, and the sure prospect of a happy immortality!⁶

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Adams regularly subjected himself to self-exhortation and self-reproach. For example, on 22 April 1756, he wrote, "My Brains seem constantly in as great Confusion, and wild disorder, as

Miltons Chaos. They are numb, dead. I have never any bright, refulgent Ideas. Every Thing appears in my mind, dim and obscure like objects seen thro' a dirty glass or roiled water.”⁷

Scrutinizing and judging himself in his diary spurred his efforts to refine his behavior and induced him to plumb his mind and heart to decide what he should make of himself. He sought to identify the kind of ambition that he should pursue, the kind that would enable him to choose a career in which he could soar. He tried to distinguish between the self-doubt that he should heed and that he should discard.

The choices facing him, he wrote in his *Autobiography*, were “Divinity, Law, or Physick.”⁸ The ordeal of Reverend Briant and Adams’s recognition of his own heterodox opinions had already cured any inclination by Adams to become a clergyman. Even so, some of his diary entries read like sermons, suggesting that he was still experimenting with the voice of a clergyman.

As for medicine, he recalled in his *Autobiography* that, in Dr. Willard’s library, “I read a good deal in these [medical] Books and entertained many thoughts of Becoming a Physician and a Surgeon...”⁹ Though he abandoned the idea of a medical career, his interest in medicine may help to explain why he later numbered among his friends such doctors as Joseph Warren, Benjamin Rush, and Benjamin Waterhouse.

Attending a local court of justice began to focus his attention on the law. Adams saw the law as a way to develop his gifts of reasoning, writing, and oratory. He recognized the law’s historical character and its centrality to the politics of Massachusetts and of the British Empire. Many of his college classmates and some of his professors had urged him to become a lawyer, citing his skills in speaking and in argument. One obstacle facing Adams was the legal profession’s problematic status in Massachusetts. Lawyers were not popular; too many people,

including his father, regarded them as sources of contention, whereas New England communities prized consensus.¹⁰ Then as now, it was conventional wisdom to doubt lawyers' ethics. These challenges attracted Adams to the law; they were obstacles that he wanted to overcome and that he believed that he could overcome. Finally, Adams's reverence for Cicero induced him to see himself as following in Cicero's footsteps; he recalled that Cicero also was a self-made man who had had to struggle to build his career.¹¹

On 21 August 1756, his decision made, Adams signed a contract with Worcester's only lawyer, James Putnam. Putnam pledged to supervise Adams's legal studies for two years. In return, Adams would pay him one hundred dollars plus room and board (which would never exceed the town's allowance to Adams for such costs as schoolmaster). Teaching school by day, Adams devoted himself to the law at night.

Adams studied law in the traditional way. First, he read such standard treatises as the works of the seventeenth-century English jurist Sir Edward Coke, the great symbol of the common law. Adams also studied such jurisprudential writers as Hugo Grotius and Samuel Pufendorf, experts on civil law, natural law, and the law of nations. He also pored over the legal compendium promulgated by the Byzantine emperor Justinian, valued by Anglo-American lawyers for its analysis of the law of real property, of wills, and of inheritance – the major subjects that Adams would encounter as a practicing attorney.¹²

In Putnam's chambers, Adams immersed himself in the other half of legal training – painstaking transcribing of legal documents, which furthered Putnam's law business while teaching Adams the grinding details of a lawyer's daily work. Copying documents was of special importance in training an eighteenth-century American lawyer. Filing and litigating depended on mastery of the "forms of action at common law," the legal categories into which the law sorted

lawsuits. The precision in legal thinking required of lawyers by the forms of action required the wording of legal documents to fit the accepted forms of action; a misplaced or omitted word could invalidate a lawsuit or a defense to it.¹³

When Adams had no pleadings to copy, he read legal treatises, commentaries, form books, and judicial reports. This reading plunged the young law student into the intricate web of doctrines and rules making up the common law. American colonists inherited the common law from England, modifying it to suit their simpler social structures and different needs. American lawyers suffered from the scarcity of law books. Lawyers might need to consult everything from landmark legal treatises and commentaries to form books for a backwoods sheriff or local judge. Because books were scarce and expensive, their owners preserved them with care and vigilance. Lawyers also safeguarded notes of precedents and leading cases, though generous practitioners shared those notes with favored younger members of the bar. Reports of English cases were hard to find in America, and there were no authoritative reports of colonial cases.¹⁴

Modern law students are accustomed to well-stocked law libraries and rich online databases, but their counterparts in eighteenth-century Massachusetts had to persuade senior attorneys to grant them access to printed volumes and privately compiled case reports. Lawyers made commonplace books, into which they copied extracts from treatises and cases. Adams used parts of at least four volumes of his manuscript diary for common-placing.¹⁵ He also tried to acquire law books for himself, to build a law library that would be an invaluable resource for his practice – a habit dovetailing with his lifelong hunger for books.

As Adams read and copied, he realized to his dismay that his legal education was really self-education. Putnam was a passive mentor; the man who was supposed to supervise his legal studies had little time or inclination to examine him or to discuss the treatises that he was reading

and the documents that he was copying. Not only did Adams have to teach himself the law – after two years of self-guided study, he had to figure out how to become a lawyer without Putnam’s aid.

Adams’s disillusionment with Putnam was so complete that he did not ask Putnam for the customary letter of recommendation from an attorney supervising an aspiring lawyer’s studies. Nor did he get himself sworn in at the bar of the Worcester Inferior Pleas Court, the locus of Putnam’s practice; Putnam had done nothing to get Adams sworn in there. More important, Adams worried that taking that step on his own would generate suspicious questions about his putative mentor’s indifference to him, casting doubt on his candidacy for the bar.

Having returned to Braintree to live with his family, Adams nerved himself to approach established attorneys to forge a network of connections to support his quest to join the bar. The most important was Jeremiah Gridley; others included James Otis, Benjamin Pratt, and Oxenbridge Thacher.¹⁶ To ensure that he could answer the questions that Gridley and the others might pose to test his learning, he studied at Harvard College’s Library. In his diary for 5 October 1758, he recorded his ambitions:

Let me read with Attention, Deliberation, Distinction.... Let me be able to draw the True Character both of the Text of Justinian, and of the Notes of his Commentator, when I have finished the Book. Few of my Contemporary Beginners, in the Study of the Law, have the Resolution, to aim at much Knowledge in the Civil Law. Let me therefore distinguish myself from them, by the Study of the Civil Law, in its native languages, those of Greece and Rome. I shall gain the Consideration and perhaps favour of Mr. Gridley and Mr. Pratt by this means.¹⁷

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Then he rode to Boston to attend court and to seek out sponsors.

On 25 October 1758, Adams waited on Gridley in his Boston law office; he was so struck by their meeting that he recorded its details in his diary and later (in slightly different form) in his *Autobiography*.¹⁸ To Adams, Gridley appeared imposing and authoritative; he was fifty-six, about a decade younger than Adams's father. Like many of the province's lawyers, Gridley was an alumnus of Harvard College. By this point in his career, not only was he Massachusetts' most distinguished lawyer, but he also had trained such leading lights as James Otis and William Cushing, as well as Prat and Thacher.

Gridley questioned Adams closely about his studies, giving him some uncomfortable moments until the younger man dragged forward his latest reading in Latin, which mollified the older man. Then Gridley offered Adams sage counsel about beginning the practice of law. He advised him to pursue the study of the law rather than the gain of it, and not to marry too early. He also pledged to sponsor Adams's admission to the bar of Suffolk County, which included Braintree and, more important for Adams's ambitions, Boston, the fount of provincial legal business.

After thanking Gridley earnestly, the aspiring law student sought out the others on his list. Thacher was cooler to Adams than Gridley had been, but promised his support. Prat refused to support Adams, reproving him for not having a letter from Putnam and for not having got himself sworn at Worcester, for then he would have been entitled to automatic admission at the bar of Suffolk County. Buoyed by Gridley's and Thacher's promises of support and cowed by Prat's refusal, Adams met with Otis, who was reassuring and supportive.

On 6 November 1758, John Adams sat in the courthouse in Boston, waiting nervously to put himself forward to seek admission to the bar, uncomfortable at the absence of anyone who might sponsor him. At what Adams remembered as the last possible moment, Gridley entered the court. Gridley praised Adams's legal knowledge, his assiduous study with Putnam and on his own, and his fitness to be admitted to the bar. To Adams's relief, the committee immediately admitted him to practice. Then, as was the custom, he shared a bowl of punch with the committee, Gridley, and the other senior members of the bar present for the event.¹⁹ Adams always venerated Gridley, grateful for his patronage and his advice. When Gridley died in 1766, Adams absorbed much of his practice and bought books from his library.

Adams began legal practice in Braintree. Soon after his admission to practice, he took his first case – and it ended badly. It was a dispute between two neighbors of the Adamses, Luke Lambert and Joseph Field. Lambert's horse broke into Field's field, and Lambert entered the field without Lambert's permission to secure the horse; Field wanted to sue Lambert for damages for trespass. Adams's mother was nagging him to begin practicing law, and Field kept insisting that Adams take his case. Adams finally gave in, partly because of his fear that his neighbors and potential clients might think him incapable of legal practice if he declined the case. Drafting his declaration (the document beginning the lawsuit), Adams made a small but telling error in pleading. Citing that error, the court found for Lambert and against Field.

In a diary entry written between filing his declaration and having it disallowed, Adams, consumed with worry, reproached himself for his haste, for his failure to avoid an avoidable mistake, and for that mistake's likely damage to his career. He blamed his mother and Field for pushing him to take a case before he felt ready, and Putnam for not having trained him properly. Most of all, he blamed himself for his "Precipitation":²⁰

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I this Evening delivered to Mr. Field, a Declaration in Trespass for a Rescue. I was obliged to finish it, without sufficient examination. If it should escape an Abatement, it is quite indigested, and unclerklike. I am ashamed of it, and concerned for it. If my first Writt should be abated, if I should throw a large Bill of Costs on my first Client, my Character and Business will suffer greatly. It will be said, I dont understand my Business. No one will trust his Interest in my hands. I never Saw a Writt, on that Law of the Province. I was perplexed, and am very anxious about it. Now I feel the Dissadvantages of Putnams Insociability, and neglect of me. Had he given me now and then a few Hints concerning Practice, I should be able to judge better at this Hour than I can now. I have Reason to complain of him.²¹

Adams contemplated his future:

But, it is my Destiny to dig Treasures with my own fingers. No Body will lend me or sell me a Pick axe. How this first Undertaking will terminate, I know not. I hope the Dispute will be settled between them, or submitted, and so my Writt never come to an Examination. But if it should I must take the Consequences. I must assume a Resolution, to bear without freting.²²

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Adams learned his lesson and gained ground as a lawyer. He established a grueling seven-year plan of self-directed study to remedy gaps in his learning. That way, he told himself,

he would match such exemplary practitioners as Otis in legal learning and in arguing before a jury – though again he reproved himself for having to subject himself to more academic self-discipline. He also recognized that lawyers had to make themselves known to their neighbors. For the next two years, he followed a pattern defined by three things: close study of legal authorities; moping about his failures to meet his own high standards; and forays into Braintree's social world. As he tried to keep himself moving forward, dreams of ambition and glory tormented him – and he reproached himself for not achieving his goals. Writing in his diary on 14 November 1760, after his twenty-fifth birthday, he took stock of himself:

Another Year is now gone and upon Recollection, I find I have executed none of my Plans of study. I cannot Satisfy my self that I am much more knowing either from Books, or Men, from this Chamber, or the World, than I was at least a Year ago... Most of my Time has been spent in Rambling and Dissipation. Riding, and Walking, Smoking Pipes and Spending Evenings, consume a vast Proportion of my Time, and the Cares and Anxieties of Business, damp my Ardor and scatter my attention. But I must stay more at home -- and commit more to Writing. A Pen is certainly an excellent Instrument, to fix a Mans Attention and to inflame his Ambition. I am therefore beginning a new literary Year, with the 26th. of my life.²³

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Beside his efforts to educate himself and to circulate in society seeking clients, Adams pursued a new idea. Hoping to rise by choosing a sound cause, he launched a campaign for temperance, seeking to reduce the number of licensed inns in Braintree. In early 1761, the town's selectmen gave him a victory, voting to permit only three such inns. More important to his

professional self-image was his campaign against self-taught practitioners known as “pettifoggers.”²⁴ His goals were to define new professional standards for the bar and to devise ways to enforce them. Having fought hard to become a lawyer and to establish his practice, he was offended by those who preyed on clients though lacking training and knowledge. He saw pettifoggers as untrained individuals unscrupulous enough to prey on naïve clients. Pompous local dignitaries armed with just a battered sheriff’s manual held themselves out as lawyers, though they could only draft an elementary will, draw up a simple deed to sell a piece of land, or file a basic lawsuit. The provincial bar had no power to enforce standards or to drive untrained practitioners from the courts.

To Adams, pettifoggers were threats not just to the elite bar. Without sophisticated legal knowledge, they misled clients and then denied responsibility for their plight. Such conduct lowered ordinary people’s low opinions of all lawyers and promoted disrespect for the law. Adams encouraged his colleagues to close ranks against pettifoggers. He also sought to raise the bar’s standards by organizing and taking part in such professional activities as reading circles. His zeal made him few friends in Braintree or Boston, yet it established him as a valued member of the bar, raising his profile as an able, industrious lawyer.

On 25 May 1761, John Adams’s father died, a few months past his seventieth birthday. In his *Autobiography*, Adams recorded his love and admiration for Deacon John Adams and his sense of obligation to him. He reported that his father was one of “Seventeen Aged People in Our Neighborhood” carried off by a violent fever, “a kind of Influenza.” The same fever threatened his mother’s life, but, being younger and stronger, she recovered. On reading the older man’s will, Adams discovered that his father had left him a house and barn comprising one-third of his real estate, as well as one-third of his personal estate. This house, a second saltbox house

resembling his birthplace, would be his home for the next twenty-five years. This new bequest surprised Adams, because his father's will silently set aside their agreement under which his college tuition was to be his total inheritance.²⁵

After two years of difficulty, Adams's legal practice showed growth in quantity of business, testifying to his success as a skilled advocate. This diary entry for 1 August 1761, weeks after his father's death, shows how comfortable he had become with his work as a lawyer. His sketch of an argument to a jury shows his legal mind in full flower – his learning, his gift for a well-turned phrase, and his ability to explain complex issues. Reading it, we enter the intellectual world of an eighteenth-century lawyer preoccupied with the English constitution.²⁶

Adams first stated the lawsuit's origins and facts, blending legal detail with the fervent, ingratiating rhetoric of a counsel's opening address to a jury:

Daniel Prat vs. Thos. Colson. -- This Action was brot by Plaintiff vs. Colson as Administrator, on the Estate of Mr. Bolter, for Non-Performance of a Covenant of Indenture. Prat was a poor, fatherless Child (and) his Mother Unable to provide for him, bound him an Apprentice to Mr. Bolter. He was then under 10 Years of Age, and so was bound for Eleven Years, and some odd Months. In Consideration of this very long and unusual Term of Apprenticeship his Master covenanted [that is, covenanted or agreed] to teach him to read, write and Cypher, and to teach him the Trade of a Weaver. But we complain that he never taught us either to read, write or Cypher, or to weave. Call the Proof.

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Then he addressed the relationship between the law and the facts. Note how his argument invoked the core moral principles of the unwritten English constitution, in a lawsuit by an apprentice against his master for violating the terms of his apprenticeship:

The Law, Gentlemen, is extremely tender and indulgent to such Actions as these. For such is the Benignity and Humanity of the English Constitution that all the weak, and helpless, and friendless Part of our Species are taken under its Peculiar Care and Protection. Women, Children, and Especially Widows and fatherless Children, have always, from the Compassion of the Law peculiar Priviledges and Indulgences allowed them.

Therefore as a poor, fatherless, and friendless Child the Law would allow great Indulgence and Lenity to this Plaintiff.

Adams's focus on education resonated with his lifelong preoccupation with education and learning, drawing tight the link between education and legal principle:

But he is to be favored for Another Reason. Because the English Law greatly favours Education. In every English Country, some sort of Education, some Acquaintance with Letters, is necessary, that a Man may fill any station whatever. (In) the Countries of slavery, and Romish superstition, the Laity must not learn to read, lest they should detect the gross Impostures of the Priesthood, and shake off the Yoke of Bondage. But in Protestant Countries and especially in England and its Colonies, Freedom of Enquiry is allowed to be not only the Privilege but the Duty of every Individual. We know it to be

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our Duty, to read, examine and judge for ourselves, even of ourselves what is right. No Priest nor Pope has any Right to say what I shall believe, and I will not believe one Word they say, if I think it is not founded in Reason and in Revelation. Now how can I judge what My Bible justifies unless I can read my Bible.

Adams concluded his argument with an analogy that jurors would find familiar. He invoked not just the idea of elections, but the need for the voter's ability to use reading to inform himself to cast an effective vote. Adams focused on reading also for studying the Bible, the almanac (useful for weather), and newspapers:

The English Constitution is founded, tis bottomed And grounded on the Knowledge and good sense of the People. The very Ground of our Liberties, is the freedom of Elections. Every Man has in Politicks as well as Religion, a Right to think and speak and Act for himself. No man either King or Subject, Clergyman or Layman has any Right to dictate to me the Person I shall choose for my Legislator and Ruler. I must judge for myself, but how can I judge, how can any Man judge, unless his Mind has been opened and enlarged by Reading. A Man who can read, will find in his Bible, in the common sermon Books that common People have by them and even in the Almanack and News Papers, Rules and observations that will enlarge his Range of Thought, and enable him the better to judge who has and who has not that Integrity of Heart, and that Compass of Knowledge and Understanding, which form the Statesman.

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Adams practiced law from 1758 through 1774, when his increasing involvement in colonial resistance to Britain cut into his time. Thereafter he handled cases intermittently, between bouts of service in the First and Second Continental Congresses, until 1777, when his first diplomatic mission ended his legal career. Though he briefly considered returning to law practice after the end of his diplomatic career in 1788 and again after he left the presidency in 1801, he never did.

By the early 1760s, Adams was a skilled trial lawyer. Central to his success as a practitioner were his mastery of the law's intricate technicalities – specifically, the knotty system of pleading and procedure governing all lawsuits – and his gift for explaining complex legal concepts and rules to the ordinary farmers comprising a typical jury.

Studying Adams's law practice, we face a gap in the papers that he amassed and that his family preserved. We have five microfilm reels of legal manuscripts – what L. H. Butterfield, founding editor of the *Adams Papers*, called “the sweepings of his office.” Their fragmentary nature is due in part to the loss of papers that Adams recorded when the British occupied Boston in 1775-1776. Hiller Zobel and L. Kinvin Wroth, editors of the *Legal Papers of John Adams*, engaged in a valiant act of “archeological reconstruction” to illuminate Adams's work as a lawyer. In the process, they illuminated the legal worlds of colonial Massachusetts, New England, and British North America.²⁷

Adams's practice ranged through all levels of courts in Massachusetts – the major trial courts, the Inferior and Superior Courts of Common Pleas, and such specialized courts as the Vice-Court of Admiralty (a court handling claims regarding shipping). He regularly appeared at courts in Braintree and in Boston; he also “rode circuit” throughout the province, sometimes as

far north as Maine – stopping in towns and villages to appear in court cases or to handle such discrete legal matters as drafting a will. While riding circuit, he would meet with clients.

Adams's diverse caseload showed a full range of legal issues and a client list spanning all levels of society. Mostly, he represented individual clients, but he also handled actions for villages and towns. His client list ranged from ordinary men and women up to such grand figures as John Hancock and former royal governor Francis Bernard. Many of his cases focused on issues of debtor and creditor, the bread-andbutter of lawyers' practice. He also handled criminal cases, including murder, rape, larceny, assault, and counterfeiting, as well as tarring and feathering, mobbing, and rioting. Though slavery was a relatively minor part of the economy of colonial Massachusetts, Adams's surviving legal papers show that he appeared in some cases in which slaves sought their freedom, on the side of the slave seeking freedom. He insisted that juries never kept anyone in slavery -- but in one case, *Newport v. Billing* (No. 39), the jury did so hold. These cases, which arose after 1766, were based on precedent and the facts more than on generalized principles of the rights of man or ideas of the Enlightenment. They never mentioned or discussed race or the relationship between slavery and race.²⁸

Adams practiced by himself. There were no law firms as we understand them, though he often joined with another lawyer to handle a specific case, as in the Boston Massacre cases in 1770. Lawyers in Adams's time gave one another remarkable collegiality and moral support. They lent books and entered appearances in a given court when a fellow lawyer could not attend a court session. (Entering an appearance kept a case alive by confirming your presence in court and your readiness to go to law, avoiding a default judgment against your client.)

We do not know how lucrative Adams's law practice was because his account books have not survived. He benefited more from quantity of business than from any individual fee. In

part, as with Jefferson's Virginia in the same period, Massachusetts statutes limited the fees that lawyers could charge.²⁹ Adams's income came in small payments of twelve or sixteen shillings per legal filing, lawsuit commenced, or lawsuit settled, rather than from any large fees.

Adams's practice was typical of that of any major lawyer in colonial America – but it matters that he was a Massachusetts lawyer. Massachusetts was an especially sophisticated jurisdiction. The exacting world of Massachusetts law was a cut above those of most other colonies in British North America. Adams's approach to studying law as an intellectual discipline, spurred by his own inclination and by Gridley's counsel, may have ensured his success in so demanding a practice environment.³⁰

While practicing law and mastering his profession, Adams continued to indulge his taste for writing, publishing in Boston's newspapers. The heated politics of Boston and of Massachusetts became a focus for him, but at first he decided not to take sides. Instead, he stepped outside factional lines, so that he could freely mock both sides. The dispute that he was watching paralleled those raging in other colonies between backers of a royal governor and supporters of the faction opposing that governor, led by prominent local families. In Massachusetts, supporters of Governor Francis Bernard, Lieutenant Governor Thomas Hutchinson, and their allies confronted supporters of James Otis, Jr. and his allies.

Under the penname "Humphrey Ploughjogger," a humble farmer writing phonetically and plainly, Adams mocked the bitter personal tone of the disputes raging in the newspapers. Sometimes, "Ploughjogger" mocked the physical appearance of people of African descent – our first evidence of Adams's less than enlightened view of people of African ancestry.³¹ Not content with "Humphrey Ploughjogger," Adams created another persona for himself – a gentleman who wrote learned, condescending essays as "U."³² At one point Adams pitted

“Humphrey Ploughjogger” and “U.” against each other. These essays revealed Adams’s remarkable ability to create two opposite characters and to maintain the quarrel between them. Adams published three essays as “Ploughjogger” in 1763; a fourth in 1765 in the midst of the Stamp Act controversy, and two more in 1767 targeting his personal friend, political adversary, and legal competitor Jonathan Sewall, who wrote for the newspapers as “J.”³³ After 1767, “Humphrey Ploughjogger” vanished from Adams’s repertoire. His 1765 essay series “A Dissertation on the Canon and Feudal Law” signaled the more serious tone of his polemical writing during the 1760s and 1770s.

Having established himself as a lawyer, Adams was ready for the next major step in his life – marriage. In describing his life as a boy and a young man, he regularly referred to his attraction to girls and later to women. Regularly, he reproved himself in his diary for wasting time in “gallanting the Girls” or in paying attention to “the Girls.” He also remembered Gridley’s advice against marrying too early – a mistake that the older man warned would be fatal to a lawyer’s career. And yet, from time to time, Adams was tempted.

For example, in 1759 the vivacious Hannah Quincy preoccupied him to such an extent that he recorded in his diary a flirtatious dialogue in which she pelted him with questions about how he, an industrious lawyer, would see relations between himself and his wife. Could she interrupt his train of thought with impunity? Would he rather study his books or spend time with her?³⁴ Growing impatient with Adams’s uncertainty and diffidence about making a match, Hannah Quincy married the physician Bela Lincoln, who shared her eagerness to marry and start a family. At first so melancholy that he gave up tea because it reminded him of his pleasant hours with Hannah, Adams recovered his balance, urging himself to pursue his ambitions.³⁵

At this time, Adams knew only slightly the woman who would become his wife, and she was not the usual kind of young woman whom he gallanted. Abigail Smith was the second of four daughters of Rev. William Smith and Elizabeth Quincy Smith.³⁶ The family had its roots in Weymouth, a farming village near Braintree and about fourteen miles southeast of Boston, where Rev. Smith had his church. Born on 22 November 1744, about nine years after John, Abigail was close to her mother's mother, Elizabeth Quincy of the powerful, august Quincy family. Elizabeth Quincy was a formidable woman whom her granddaughter admired and emulated in her intelligence, her self-taught learning, and her spirited character.

Abigail's family believed that young women needed little learning beyond reading, writing, and arithmetic; thus, in Abigail's view, they neglected her schooling. Further, their concern for Abigail's fragile health induced them to keep her at home rather than to send her to another town to one of the few schools open to female students; they feared with reason that she might fall prey to one of the waves of disease sweeping through small towns. Nonetheless, Abigail found ways to satisfy her hunger for learning. In this effort, her grandmother Quincy played a leading role, as did her sisters and friends. Abigail became a tireless reader and writer, using letter-writing to foster her education and to examine herself. Abigail had no other way to further her education than to read whatever books came to hand. Her family saw her as a younger daughter destined for marriage. Thus, she tagged along with her older sister, Mary, and Mary's beau Richard Cranch, a friend of John Adams.

Abigail first met John when she was fifteen and he was twenty-four; he had called at Rev. Smith's parsonage as part of his effort to make himself known in the town to advance his law practice. Unimpressed by Rev. Smith's parade of learning or his quirky behavior, which he mocked in his diary, Adams also did not take to the wit of the minister's two older daughters,

Mary and Abigail, especially when they aimed that wit at him. They targeted his vanity and stiffness, traits for which he reproached himself, though he resented others mocking his faults.

John and Abigail gradually changed their views of each other. He saw her wit as a desirable quality, reflecting her brilliant mind. He also realized that she was intellectually curious. These qualities appealed to him, though most New England men would not have found them attractive. She was his intellectual equal, just as devoted to reading and writing. Soon he was lending her books, and they were exchanging bantering letters – though she was more careful, and he was more exuberant and reckless, about the proprieties governing their correspondence. For example, on 14 February 1763, he joked about what might have happened had the weather not prevented his visit:

Accidents are often more Friendly to us, than our own Prudence. I intended to have been at Weymouth Yesterday, but a storm prevented. -- Cruel, Yet perhaps blessed storm! -- Cruel for detaining me from so much friendly, social Company, and perhaps blessed to you, or me or both, for keeping me at my Distance. For every experimental Phylosopher knows, that the steel and the Magnet or the Glass and feather will not fly together with more Celerity, than somebody And somebody...³⁷

Unsure about Abigail's attraction to the self-conscious young lawyer, her parents were skeptical of his profession and critical of his lineage. By contrast, Abigail was a parson's daughter and a member of the Quincy family – qualities as close to aristocracy in colonial New England as imaginable. Also, Rev. Smith and his wife saw Abigail as too young for marriage, not having reached her twentieth year. Gradually, the couple wore down her parents' doubts.³⁸

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In early 1764, an epidemic of smallpox struck Boston. Aware that his trips to Boston on legal business exposed him to the danger of infection, John decided to get himself inoculated – a controversial medical practice and a major undertaking for the patient. Inoculation was riskier than vaccination, which was devised years later. The doctor exposed Adams to smallpox, and he contracted a mild version of it, which would then immunize him. An inoculated person might die from the disease, and he had to be isolated to prevent him from exposing others to infection. Abigail was determined to be inoculated as well, but at nineteen she was still under the control of her parents, who refused permission, fearing for her health.

Enduring his inoculation, which included enforced isolation for weeks and a bland, insipid diet, John wrote often to Abigail. He sustained himself with thoughts of her even as doctor's rules forbade him to see her, and he wrote to reassure her of his good health by showing his good spirits. He ensured that his letters to her did not carry infection by smoking them with his cigar, a step repeated at the Smith parsonage before Abigail was allowed to open them. In return, she wrote to entertain him and to prevent his succumbing to boredom, occasionally enclosing tobacco that he might use in smoking his future letters to her.

Their exchanges of letters during the two months of his quarantine were more frequent than all their previous correspondence – more than twenty between 7 April 1764 and 9 May 1764. In these letters, they ventured freer expressions of their love and affection, and their occasional vexation with each other. The forced separation, the first of many in their relationship, fostered and deepened their feelings for each other. To reassure Abigail and ease her anxiety about his health and his likelihood of surviving the inoculation, John sent letters teeming with anecdotes and local news, and with accounts of the hospital where he resided and of the doctors' treatment of those being inoculated. Abigail sent letters filled with chatty accounts of her relatives, but also

took pains to express tenderness and concern for him: “let her who tenderly cares for you both in Sickness and Health, intreat you to be careful of that Health upon which depends the Happiness of your a. Smith.”³⁹ She also commented on the similarities and differences of men and women. On 16 April, she wrote boldly to him of her lack of restraint in writing to him: “Dont you think me a Courageous Being? Courage is a laudable, a Glorious Virtue in your Sex, why not in mine? (For my part, I think you ought to applaud me for mine.)”⁴⁰

In early May 1764, they exchanged letters cataloguing each other’s faults. Abigail reproved John for haughtiness and stiffness, and he scolded her for such pretended defects (virtues, in his eyes) as her habits of reading, thinking, and writing, which she pursued instead of the card-playing so common to young women. He added that she tended to hang her head like a bulrush, that she was not a good singer, and that she was “parrot-toed.”⁴¹ Both welcomed his release from quarantine following his inoculation.⁴²

On 25 October 1764, after three years of courtship, John and Abigail married. The wedding took place in the parsonage at Weymouth; Rev. Smith performed the ceremony. Three weeks before the wedding, as they arranged the practical details of forming their new household, Abigail wrote, “The cart you mentiond came yesterday, by which I sent as many things as the horse would draw the rest of my things will be ready the Monday after you return from Taunton. And -- then Sir if you please you may take me.”⁴³ This flirtatious invitation helped to set the tone for a marriage of fifty-four years, buttressed by a correspondence written with wit, affection, and candor – a marriage crucial to their education about themselves and each other.

NOTES

¹ "From John Adams to Richard Cranch, 2 September 1755," *FO/NA*. See also "From John Adams to Nathan Webb, 1 September 1755," *FO/NA*.

² "From John Adams to Nathan Webb, with Comments by the Writer Recorded in 1807," *FO/NA*. All quotations in this paragraph come from this letter.

³ Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America* (New York: Alfred A. Knopf, 2000).

⁴ Gordon S. Wood, *The Americanization of Benjamin Franklin* (New York: Penguin Press, 2004), and Carla J. Mulford, *Benjamin Franklin and the Ends of Empire* (New York: Oxford University Press, 2015). John A. Schutz and Douglass Adair, in *The Spur of Fame Dialogues of John Adams and Benjamin Rush, 1805-1813* (San Marino, CA: Huntington Library Press, 1966), 81n13, point out that in 1755 Adams had been reading William Clarke's *Observations on the ... Conduct of the French* (Boston, 1755), which included Franklin's 1751 essay "Observations Concerning the Increase of Mankind and the Peopling of Countries." "Observations Concerning the Increase of Mankind, 1751," *FO/NA*.

⁵ Entry for 15 March 1756, in John Adams diary 1, 18 November 1755 - 29 August 1756. *AFPEA/MHS*.

⁶ Entry for 16 February 1756, in John Adams diary 1, 18 November 1755 - 29 August 1756. *AFPEA/MHS*.

⁷ Entry 22 April 1756, in John Adams diary 1, 18 November 1755 - 29 August 1756. *AFPEA/MHS*.

⁸ John Adams autobiography, part 1, "John Adams," through 1776, sheet 4 of 53. *AFPEA/MHS*.

⁹ *Id.*

¹⁰ On the quest for consensus, Michael Zuckerman, *Peaceable Kingdoms: New England Towns in the Eighteenth Century* (New York: Alfred A. Knopf, 1972); on consensus and conflict in Massachusetts' evolving legal culture, William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830* (Cambridge, MA: Harvard University Press, 1975; rept. with new intro., Athens: University of Georgia Press, 1994).

¹¹ On Adams's fascination with Cicero, see the sources cited in chapter 1, note 18. On his legal studies, L. Kinvin Wroth and Hiller Zobel, eds., *The Legal Papers of John Adams*, 3 vols. (Cambridge, MA: Belknap Press of Harvard University Press, 1965) [hereafter *LPJA*]. In *LPJA* 1:1-25, "Legal Study," two documents survive from Adams's early study of law, including fragments of his Commonplace Book. In *LPJA* 1:26-86 appears to be Adams's collection of model pleadings and writs -- in essence his private form-book. Daniel R. Coquillette, ed., *Law in Colonial Massachusetts 1630-1800* (Boston: Colonial Society of Massachusetts, distributed by University of Virginia Press, 1984); and Nelson, *Americanization*.

¹² Daniel R. Coquillette, "Justinian in Braintree: John Adams, Civilian Learning, and Legal Elitism, 1758-1775," in: Coquillette, ed., *Law in Colonial Massachusetts 1630-1800*, at 359-418.

¹³ William E. Nelson, "Court Records as Sources for Historical Writing," in Coquillette, *Law in Colonial Massachusetts 1630-1800*, at 499-518 (esp. 502-16). See also Nelson, *Americanization*, 69-80. The leading treatment of colonial American legal history is William E. Nelson, *The Common Law in Colonial America*, 4 vols. (New York: Oxford University Press, 2008-2018). See also the pathbreaking study by Richard B. Morris, *Studies in the History of American Laws With Special Reference to the Seventeenth and Eighteenth Centuries* (New York: Columbia University Press, 1930; second edition, New York: Octagon Books, 1958).

¹⁴ Morris R. Cohen, "Legal Literature in Colonial Massachusetts," in Coquillette, ed., *Law in Colonial Massachusetts 1630-1800*, 243-72; Sally Hadden, "Legal History Meets the History of the Book," paper delivered at American Historical Association 2015 convention, New York City, 2 January 2015. I thank Sally Hadden for permission to cite this unpublished paper.

¹⁵ These are diaries 3, 9, 10, and 14;

http://www.masshist.org/digitaladams/archive/browse/diaries_by_number.php

¹⁶ On Gridley, *LPJA* 1:ci.; John L. Sibley (continued by Clifford K. Shipton, Conrad Edick Wright, and Edward W. Hanson), *Sibley's Harvard Graduates: Biographical sketches of graduates of Harvard University...*, 16 vols. to date (Cambridge, MA: Charles William Sever, University Bookstore, 1873--; later Cambridge, MA: Harvard University Press), 7: 518-530; Samuel Lorenzo Knapp, *Biographical Sketches of Eminent Lawyers, Statesmen, and Men of Letters* (Boston, MA: Published by Richardson and Lord; John H. A. Frost, Printer, 1821), 199-217. For a portrait identified as being of Gridley, Coquillette, ed., *Law in Colonial Massachusetts, 1660-1800*, at 364. For sketches of Otis, Prat, and Thacher, *LPJA* 1:cv (Otis), 1:cvi (Prat), and 1:cxi (Thacher). For Adams's mentor, Putnam, *LPJA* 1:cvi. *LPJA* 1:xcv-cxiv provides a biographical register of the principal lawyers whom John Adams encountered in

practice. Charles R. McKirdy, "Massachusetts Lawyers on the Eve of the American Revolution: The State of the Profession," in Coquillette, ed., *Law in Colonial Massachusetts 1630-1800*, at 313-358, esp. 348 (Otis) and 350 (Putnam); *id.*, 339-58, Appendix IV, "Biographical Sketches of Lawyers Practicing in Massachusetts, 1775," including the two sketches already cited.

¹⁷ Entry for 5 October 1758, in John Adams diary 2, 5 October 1758 - 9 April 1759. *AFPEA/MHS*.

¹⁸ John Adams, diary entry for 25 October 1758 (on meeting with Gridley), Entries for 24-26 October and 6 (?) November 1758, in John Adams diary 2, 5 October 1758 - 9 April 1759, *AFPEA/MHS* For the passage of his *Autobiography*, John Adams autobiography, part 1, "John Adams," through 1776, sheets 6-7 of 53. *AFPEA/MHS*. Coquillette, "Justinian in Braintree," 362-3, 366. Adams's summary account of his education, stressing his legal education, in John Adams to Thomas Dawes, 28 July 1821,

http://www.masshist.org/database/viewer.php?item_id=1514. In this letter, Adams sought to clarify what apparently was a common misunderstanding – that Gridley and not Putnam had been his mentor in his legal studies.

¹⁹ Entries for 24-26 October and 6 (?) November 1758, in John Adams diary 2, 5 October 1758 - 9 April 1759. *AFPEA/MHS*.

²⁰ Entries for 13 Oct. 1758 and 18 and 29 Dec. 1758, in John Adams diary 2, 5 October 1758 - 9 April 1759. *AFPEA/MHS*.

²² Entry for 18 December 1758, in John Adams diary 2, 5 October 1758 - 9 April 1759 *AFPEA/MHS*.

²³ Entry for 14 November 1760, John Adams diary 4, October 1759 - 20 November 1761, 21 November 1772. *AFPEA/MHS*.

²⁴ On pettifoggers in the English legal profession, C. W. Brooks, *Pettifoggers and Vipers of the Commonwealth: The Lower Branch of the Legal Profession in Early Modern England* (Cambridge, Eng.: Cambridge University Press, 1986).

²⁵ John Adams autobiography, part 1, "John Adams," through 1776, sheet 8 of 53, *AFPEA/MHS*.

²⁶ The quoted paragraphs are from Entry for 1 August 1761, John Adams diary 7, 21 March - 18 October 1761. *AFPEA/MHS*. I am deeply grateful to William Chrystal for this reference. All quotations in the next paragraph are from this source.

²⁷ Lyman H. Butterfield, "Preface," in *LPJA* 1:xix-xxix (quotations at xxi, xxiii). The next paragraphs are based on *LPJA* 1:lii-xciv.

²⁸ *LPJA* 2: 48-67 (case nos. 38-42).

²⁹ Edward J. Dumbauld, *Thomas Jefferson and the Law* (Norman: University of Oklahoma Press, 1978); Frank J. Dewey, *Thomas Jefferson, Lawyer* (Charlottesville: University Press of Virginia, 1981).

³⁰ Nelson, *The Common Law in Colonial America, passim*; also Nelson, *Americanization*.

³¹ For the ancestor group including all nine Humphrey Ploughjogger letters, <https://founders.archives.gov/ancestor/ADMS-06-01-02-0045> On Adams's racist humor, Arthur Scherr, *John Adams, Race, and Slavery: Ideas, Politics, and Diplomacy in an Age of Crisis* (Santa Barbara, CA/Denver, CO: Praeger, 2018), 2-3.

³² Helen Saltzberg Saltman, "John Adams's Earliest Essays: The Humphrey Ploughjogger Letters," *William and Mary Quarterly*, 3d ser., 37:1 (January 1980): 125-135; Ryerson, *Republic*, 39-41, 43-44.

³³ Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (New York: Columbia University Press, 1974).

³⁴ Entries for [27-30 October 1758] and January 1759, in John Adams diary 2, 5 October 1758 - 9 April 1759. *AFPEA/MHS*.

³⁵ Ferling, *John Adams*, 26-27 and sources cited.

³⁶ Edith Gelles, *Portia: The World of Abigail Adams* (Bloomington: Indiana University Press, 1992); Edith Gelles, *Abigail Adams: A Writing Life* (London and New York: Routledge, 2002); Edith Gelles, *Abigail and John: Portrait of a Marriage* (New York: William Morrow, 2009); and Woody Holton, *Abigail Adams: A Life* (New York: Free Press, 2009).

³⁷ Letter from John Adams to Abigail Smith, 14 February 1763. *AFPEA/MHS*.

³⁸ Gelles, *Abigail and John*, 16.

³⁹ Letter from Abigail Smith to John Adams, 8 April 1764. *AFPEA/MHS*.

⁴⁰ Letter from Abigail Smith to John Adams, 16 April 1764, *AFPEA/MHS*.

⁴¹ Letter from John Adams to Abigail Smith, 7 May 1764; letter from Abigail Smith to John Adams, 9 May 1764, *AFPEA/MHS*.

⁴² Gelles, *Abigail and John*, 18.

⁴³ Letter from Abigail Smith to John Adams, 4 October 1764, *AFPEA/MHS*.

CHAPTER THREE

“Britain and America are staring at each other.”

Revolutionary Advocate

(1761-1774)

On New Year’s Day 1766, John Adams wrote in his diary:

“We are now upon the Beginning of a Year of greater Expectation than any, that has passed before it. This Year brings Ruin or Salvation to the British Colonies. The Eyes of all America, are fixed on the Parliament. In short Britain and America are staring at each other. -- And they will probably stare more and more for sometime.”¹

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Adams’s prophecy came true, though he could not have foreseen how true. Anyone trying to predict British North America’s future on New Year’s Day 1766 would have been shocked by the ensuing events – the first phase of the American Revolution. Indeed, as he insisted to Thomas Jefferson and other correspondents when he was an old man, the period between 1760 and 1775 *was* the American Revolution.²

Basking in the triumph of the Treaty of Paris of 1763, the British Empire had just won the most prolonged and difficult colonial war of the eighteenth century. Known in America as the French and Indian War and in Europe as the Seven Years’ War, the conflict began in the forests of British North America. It raged for nine years across three continents and on the high seas, testing the British and the French empires almost to their financial and administrative breaking points.³

As the war raged, British North Americans sought to prove their value to the British Empire. They saw themselves as the happiest and most loyal of all King George III's subjects. They were committed to take up arms in the cause of British liberty against the decadence and tyranny that they associated with France, to counter the dangers that France and its Native American allies posed to them and to the empire.⁴ Americans welcomed the British victory in that war. Few foresaw that the war's consequences would generate a frightening disruption of relations between Britain and British North America.

Resistance to British policy beginning in 1765 transformed the lives of all Americans. Not only did it create new forms of government and new alliances and enmities – for individuals like Adams, it created new ways of thinking, new opportunities, and new career paths.⁵ The clash spurred Adams to master the American view of the constitutional and legal doctrines framing the dispute, which he expounded in page after page of intricate argument. He was educating himself to become a revolutionary advocate; he also sought to teach Americans to do the same. For the rest of his life, he thought, wrote, and talked about the Revolution. He deemed himself well qualified to do so, for in 1761, he witnessed what he later insisted was the Revolution's birth.

For Adams, the Revolution was born in a Boston courtroom. As a young lawyer, he observed and took careful notes of court sessions. In February 1761, therefore, he was at his place in the Massachusetts Superior Court in Boston's Town House, pen in hand, following the argument in *Petition of Lechmere*. In an 1817 letter to his former law clerk William Tudor, Adams wryly offered to give a talented painter a sketch of the scene. Conveying the event's drama, Adams was not only describing the scene but reliving it.

In the elegant courtroom sat the five judges of the Massachusetts Superior Court, Lieutenant Governor Thomas Hutchinson presiding. Gathered before them were the lawyers of Boston and of Middlesex County, clad in the legal profession's black robes and powdered wigs. Standing before the judges were the lawyers on both sides of *Petition of Lechmere*. Jeremiah Gridley appeared for the Crown; Oxenbridge Thacher and James Otis, Jr., represented Boston merchants opposing the Crown. Adams added a word-portrait of himself:

One circumstance more. Samuel Quincy and John Adams had been admitted Barristers at that Term. John was the youngest he should be painted looking like a short thick fat Archbishop of Canterbury seated at the table, with a pen in his hand, lost in admiration, now & then minuting *those despicable notes which you know that Jonathan Williams Austin, your fellow student in my Office, stole from my desk and printed in the Massachusetts Spy, with two or three bombastic expressions interpolated by himself; and which your Pupil, Judge Minot has printed in his history.*⁶

Petition of Lechmere focused on a controversial British tool of customs enforcement. Writs of assistance were unrestricted search warrants having force for six months after they were issued; they granted customs officials the power to search anywhere they wished and to seize anything they deemed evidence or contraband (unlawful property, such as smuggled goods). British officials charged with enforcing customs laws and with combating smuggling prized writs of assistance. Not just smugglers, but American merchants of all kinds detested these writs as violating their understandings of English constitutional and legal doctrines; the traditional

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view was that a search warrant must specify the place to be searched and the person or things to be seized, which these writs did not do.⁷

Why was *Petition of Lechmere* before the court? In 1760, King George II had died; the writs issued in his name were due to expire and British customs officials sought to renew them. Arguing for their renewal, Gridley invoked an act of Parliament authorizing the Exchequer in Britain to issue such writs and later Parliamentary acts authorizing colonial courts to issue them.

Given Gridley's central place in Adams's understanding of the law, he naturally admired Gridley's "characteristic learning, ingenuity, and dignity." He also praised Thacher for "the softness of manners, the ingenuity and cool reasoning, which were remarkable in his amiable character."⁸ Otis dazzled him. Adams had once been ambivalent about Otis – grateful that he had supported Adams's candidacy for the bar, yet disliking his fondness for the pettifoggers whom Adams was striving to exclude from the courts. In this case, however, Otis inspired Adams, with an impact still powerful after fifty-six years:

But Otis was a flame of fire! With a promptitude of Classical Allusions, a depth of research, a rapid summary of historical events & dates, a profusion of Legal Authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of impetuous Eloquence he hurried away all before him.⁹

Otis based his argument on a startling claim – that writs of assistance violated Englishmen's constitutional rights, whether they lived in England or in British North America. Though Parliament might have authorized writs of assistance, Otis insisted that in doing so they had violated basic principles of English liberty; no statute enacted by Parliament could violate those principles. His argument was radical because it asserted a higher standard of

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constitutionality than Parliament's enactment of a law, though Otis also invoked authorities justifying such an argument.

Otis's argument, made with passion and skill, was political as well as constitutional and legal. He sought to box Hutchinson into a dangerous choice between two unpalatable options – rejecting the writ's renewal, thereby giving victory to Boston's merchants and defeat to the Crown, or renewing the writ, thereby alienating himself from the people and merchants of Boston and Massachusetts. Recognizing Otis's trap, Hutchinson used delay to escape it.¹⁰ As presiding judge, he adjourned the court, citing the need to secure information from Britain whether the Exchequer was authorizing colonial authorities to issue writs of assistance. Months later, confirmation in hand, Hutchinson led the court in authorizing the writs' renewal.

Petition of Lechmere was entwined with the political rivalry between Otis and Hutchinson and their families, which in turn was entangled with the factionalism besetting colonial Massachusetts politics. Hutchinson belonged to a set of families aligned with the colony's royal governor; Otis belonged to a competing set of families, ranged against the royal governor and his local allies.

Questions of office, power, and political advancement fed this political enmity. James Otis, Sr., the attorney's father, had expected to become chief justice of the Massachusetts Superior Court, having secured promises from two previous royal governors that he would be named to that office, once it fell vacant. When Chief Justice Samuel Sewall died in 1760, however, the governor, Sir Francis Bernard, not only had not made any such promise to Otis Sr. – he did not know that his predecessors had made promises. Instead, Bernard named Thomas Hutchinson to the post. Hutchinson was not a lawyer and had no legal training, but Bernard knew him to be a friend of the Crown. The political shockwaves triggered by Bernard's inadvertent

snub to Otis Sr. roiled the colony's elites, spicing with resentment the hostility between Hutchinson and the Otises.¹¹

Petition of Lechmere raised a substantive constitutional and legal issue – that of contrasting English and American understandings of constitutional rights. Did that issue have the larger consequences identified by Adams in his letter to Tudor? He wrote,

Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, namely in 1776, he grew up to manhood, and declared himself free.¹²

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This letter and Adams's minutes of the case (which in edited form circulated widely in the colonial press) have helped to create a vivid mythology of the Revolution's birth in that Boston courtroom, making Otis the magician who called the spirit of revolution and independence into being. In 1761, however, nobody except a few worried British colonial administrators saw independence as an American goal.

Was Adams engaging in "historical revisionism" in telling this dramatic story of the birth of independence in 1761? Was Adams seeking to win for Massachusetts the leading role in giving rise to the Revolution? Virginians insist that a dispute arising there in the late 1750s and early 1760s was the first open battle between the colonies and the mother country. The "Parson's Cause" controversy raised issues about the Church of England's entitlement to tax revenues to support its churches and ministers. Such southern revolutionaries as the attorney Patrick Henry

responded by challenging British authority.¹³ Competition for the honor of beginning the Revolution has pitted the “Parsons’ Cause” against *Petition of Lechmere*.¹⁴

What Adams wrote is not what later critics ascribe to him. Adams identified what was *born* in 1761 as the “child Independence.” According to him, that “child” grew up in the fifteen years between *Petition of Lechmere* and the Declaration of Independence. Thus, his claim differs starkly from the claim for which he has been arraigned as a mythmaker. Over time, the issues first raised in 1761 developed to pose irresolvable questions about the British constitutional framework, helping to force Americans to the brink of independence by 1776. But in 1761 that result was by no means predictable.

The French and Indian War’s ending in 1763 briefly abated the urgency of the British need for colonial tax revenues, the catalyst of the writs of assistance case. And yet the war’s debts survived the war. In 1764, Britain renewed its demands for colonial revenue, igniting a new dispute with her colonies. The issues surrounding taxation alarmed such attorneys as John Adams, for they threatened the colonists’ English constitutional rights as they understood them.

British politicians believed that they had fought the war mostly to protect their American colonies against French expansion. As Britain had borne the brunt of the fighting and the burden of paying for it; the mother country begrudged the costs of a war fought mostly for the colonists’ benefit. Therefore, the king’s ministers agreed, the colonists ought to assume their fair share of the financial burden of defending the Empire and protecting territories won from France.¹⁵

Americans denied that the victory of 1763 was imperial alone. Rather, they insisted, the British ought to share credit with the American militias, who had fought and died alongside British regulars.¹⁶ As the victory was a joint effort, the colonists had proved their role in securing the victory and should not be taxed to pay for it. This claim did not convince the British, who

listened to British officers and soldiers who mocked American militias as untrained, cowardly, and useless. Convinced of their case for taxation and of the emptiness of American arguments against it, Parliament was ready to impose new taxes on the colonies to save the Empire's finances.

In 1764, Great Britain announced that it would levy taxes and the colonists would pay them. This plan was new to the Americans, though other subjects in the Empire had long shouldered the burden of paying for British regulars stationed in their midst.¹⁷ As a first step, Chancellor of the Exchequer George Grenville seized the opportunity presented by the expiration in 1763 of the Molasses Act of 1733 to build American taxation into a new statute. The old law, taxing molasses (an ingredient of rum derived from making refined sugar), had been enacted to prevent the colonists from smuggling molasses from non-British Caribbean colonies. The 1733 statute never worked because it set the tax too high and customs enforcement was unreliable and corrupt. Grenville's act would cut the tax rate in half while intensifying enforcement; he hoped that these changes would make the new statute enforceable and palatable.¹⁸ The new American Revenue Act was nicknamed the Sugar Act.

Despite Grenville's hopes, some Americans found the Sugar Act problematic. In May 1764, the Boston town meeting adopted instructions (drafted by John's second cousin Samuel Adams) to its representatives in the colonial legislature, the Massachusetts General Court. The instructions attacked the Sugar Act as a dangerous precursor of new taxes: "If Taxes are laid upon us in any Shape without ever having a Legal Representation where they are laid, are we not reduced from the Character of Free Subjects to the miserable State of Tributary Slaves – [?]"¹⁹

These instructions stressed a central point of dispute between the colonies and Britain – the link between representation and taxation. The colonists insisted that a vital rule of the

unwritten English constitution was, “No taxation without representation.” British subjects could be taxed only by a legislature in which they were represented by representatives whom they could elect. Because Americans could not vote for members of Parliament, they could not be taxed by Parliament. By contrast, neither the king’s ministers nor Parliament saw any constitutional problem with Britain taxing the colonists, nor did they see that the colonists might have genuine objections to such taxes for reasons beyond mere unwillingness to pay.

To justify “no taxation without representation,” the colonists invoked a great English precedent. In 1629, Charles I dissolved Parliament; for years thereafter, he justified imposing new taxes on his subjects by his sole authority as monarch.²⁰ His efforts provoked a civil war, which in 1649 cost him his throne and his head. A long process of redefining the relationship between governors and governed culminated with the Glorious Revolution of 1688-89, in which King William III and Queen Mary acknowledged that they owed their thrones to Parliament and the English people.²¹ In the 1760s, Americans argued bitterly, Parliament had decided that “No taxation without representation” was good enough for the mother country but not for American subjects. Seeing British taxes imposed on them as unconstitutional, Americans were determined to reject them.

British authorities brushed aside the issue of representation. Fed up with American efforts to evade customs duties by smuggling, British officials dismissed American constitutional arguments against Parliamentary taxation as excuses for smuggling.²² Also, by pushing their arguments for “no taxation without representation,” the colonists unwittingly spotlighted the defects of representation in Britain – which were extensive. Few Englishmen voted in Parliamentary elections; property qualifications for voting were too high, and district and borough lines had not been redrawn for centuries. Cities arising after the drawing of those lines

(such as Birmingham and Manchester) went unrepresented. Some places having representation (such as Old Sarum) had dwindled away, but the owner of that land still had the right to elect members of the House of Commons representing an unpopulated region. Heeding American arguments about representation of the colonists in Parliament would open up the Pandora's box of defective representation in Britain.²³

Instead, the British rejected the American case for representation. Each member of Parliament, this argument ran, represented the whole British people, not just his constituents; thus, he had to consider the interests of all the king's subjects. With this duty of *virtual representation* governing members of Parliament, British advocates concluded, there was no need for actual representation. Most Americans were unconvinced.²⁴

Beyond issues of taxation and representation, whose vision of the unwritten English constitution would govern the American colonists?²⁵ Britain had an unwritten constitution – comprising statutory law, common law, customary law, and such documents of constitutional and legal importance as Magna Carta.²⁶ The problem was that an unwritten constitution could have multiple, contradictory meanings, depending on who was interpreting it and for what purpose. Two such conceptions arose in the controversy between the colonies and Britain.

British authorities envisioned an unwritten constitution enshrining the supremacy of Parliament. Because in the seventeenth century Parliament had defended Englishmen's rights against Kings James I, Charles I, Charles II, and James II, Parliament deserved to reign supreme. In particular, because the colonies were founded on territories conquered by Britain, the colonists had only those constitutional rights that Parliament chose to recognize.

By contrast, Americans believed that the unwritten English constitution's central principle was restraint on power from whatever source. Power lacking restraint was arbitrary,

which violated the constitution. Thus, to Americans, British claims of Parliamentary supremacy over the colonies were unconstitutional. Further, Americans argued, their territories had not been conquered. Rather, they had been vacant; Americans had occupied them and created colonies without the mother country's aid. Thus, American subjects had the same rights, privileges, and immunities that subjects in the mother country had. This vision of the English constitution was central to John Adams's thinking.

These two models of the English constitution butted heads in an increasingly bitter argument from 1765 to the declaration of American independence in 1776. In a world of law, one conception had to prevail – but which? The English constitutional system had no final judge acceptable to both sides who could issue an authoritative decision resolving the dispute. By 1776, the lack of such a final judge would shatter the British Empire.²⁷

In 1764, the Sugar Act came too swiftly for Americans to organize resistance, but Parliament hinted that it might impose other taxes.²⁸ Americans therefore were ready for the Stamp Act of 1765. The Stamp Act imposed on Americans a form of taxation already used in the mother country. All paper goods – court filings, newspapers, pamphlets, and playing cards – had to bear a stamp symbolizing the tax paid.²⁹

Seeing the dangers posed by the Sugar Act and the Stamp Act, Adams had begun to prepare himself to argue for the American cause. In the summer of 1765, as the Stamp Act was moving through Parliament, and as Abigail was enduring the ordeal of childbirth for the first time, giving birth to their daughter Abigail (Nabby), John was downstairs in his law office in his Braintree house's front parlor, writing on the constitutional dimensions of the Stamp Act controversy. In his *Autobiography* he modestly called it “a Speculation or rather a Rhapsody.”³⁰

Adams was a member of the Sodality, a legal reading and debating society organized by Jeremiah Gridley. The Sodality's purpose was to assemble lawyers to discuss recent books of interest and to debate legal responses to public issues. Adams presented his essay on the Stamp Act to the Sodality. Praising his work, they urged him to publish it. "A Dissertation on the Canon and Feudal Law" first saw print as a series of four articles in the *Boston Gazette*; reprinted in London, the series appeared as a small book in 1768.³¹

Adams began by tracing the dangers to liberty posed in medieval England by the union of canon law (doctrines of church law promulgated by the Roman Catholic Church) and feudal law (legal doctrines giving shape to feudalism). That episode of English history ended happily, he wrote, for England rejected canon and feudal law. Then Adams likened past to present. He warned that British policy was risking bringing tyranny to America, just as canon law and feudal law had tyrannized England.

Adams declared that the unwritten English constitution had to mean the same thing in the colonies that it meant in the mother country. There could not be one constitution for Britain and another for America, one set of rights for subjects in Britain and a narrower set of rights for subjects in America. Further, he insisted, the unwritten English constitution's core principle was restraint on arbitrary power; Parliament's claimed power to legislate for the colonies exemplified arbitrary power. Adams warned that now was the time to resist such unconstitutional measures.

The "Dissertation," Adams's first major publication, won him more chances to defend the cause with his pen. In the fall of 1765, Braintree's town meeting asked Adams to draft instructions for their representatives to the Massachusetts General Court. Adams prepared a powerful, eloquent draft declaring the town's opposition to the Stamp Act:

“We further recommend the most clear and explicit Assertion and Vindication of our Rights and Liberties, to be entered on the Public Records; that the World may know, in the present and all future Generations, that we have a clear Knowledge and a just Sense of them, and, with Submission to Divine Providence, that we never can be Slaves.”³² On 24 September, the town meeting adopted his draft. Printed in the newspapers, these instructions circulated through the province; at least forty other towns adopted them.

The “Dissertation” and the “Braintree Instructions” signaled Adams’s debut as an advocate of resistance to British policies. His gifts for expounding learned legal and constitutional arguments enabled him to take the place of James Otis, Jr. Otis was slowly descending into madness, which sidelined him from the dispute with Britain by the end of the 1760s and led to his death in 1783.³³ For the next few years, Adams wrote essays for Boston newspapers, making the colonists’ case and refuting defenders of the British position.³⁴

Samuel Adams practiced a different kind of leadership in the same cause. Older than his cousin John by eight years, Samuel was one of the first popular leaders of colonial resistance. Working naturally and easily with such groups as the Sons of Liberty, he focused on mustering the people to resistance.³⁵ John found Samuel’s preference for radical, bottom-up activism disturbing. He also was wary of Samuel’s leanings toward American independence, a step that he deemed unwarranted. For John Adams, the conflict with the mother country was a sad, bitter family quarrel – but he had no desire to break up the family. He preferred to address the dispute through the constitutional means that he saw as the strongest basis for the colonists’ position. He had little liking for or understanding of such things as organizing the Sons of Liberty and orchestrating public displays of opposition to British governance. Seeking resolution of the

dispute between the colonies and Britain that would preserve the Empire, Adams still considered himself an Englishman writing and arguing in defense of English rights.

Adams chose a limited role in the movement opposing British policies. He would write polemics advancing the Americans' constitutional case, but that was all. Beyond his skepticism of the radicals' position, he had a more practical reason for limiting his participation. He had a growing family to support; in 1767, Abigail had given birth to their second child and first son, John Quincy, and he needed to devote himself to his law practice.

Adams owned a farm adjoining his house in Braintree, and he dreamed of returning to farming to support himself and his family – avoiding politics, the law, and other sources of contention. Though he loved the study of law and was an expert trial lawyer, he increasingly saw legal practice as a means to an end – supporting his family – and not as a career commanding his devotion. Though recognizing the need to ride circuit to sustain his law practice, he begrudged the time with his family that he lost in journeying from town to town, pursuing clients and cases. His ambivalence extended to his involvement in colonial politics.

In early 1770, however, Adams's legal practice brought him the most important cases of his career *and* plunged him anew into politics. The long-term cause was the growing hostility between Bostonians and British troops sent to occupy the town in October 1768. Bostonians hated the presence of British regulars; they saw their town as under siege. British troops saw Bostonians as uncouth, rebellious colonials. The longer British forces occupied Boston, the more the hostility between soldiers and townspeople escalated.³⁶

On February 22, 1770, an argument erupted between Ebenezer Richardson, a pro-British Bostonian, and some of his neighbors, who suspected him of being a Crown informer. When the war of words boiled over, a mob pelted Richardson, his wife, and their house with garbage,

stones, and clubs, and then began to break the house's windows. Window glass was a luxury; this kind of vengeance was destined to provoke Richardson's wrath. Threatening the crowd with a musket, Richardson fired point-blank at them, seriously wounding the teenaged Samuel Gore and mortally wounding Christopher Seider, eleven years old. Curiosity drew both victims to the wrong place at the worst time. Seider's funeral became an occasion for public displays of mourning *and* of anger against the British.³⁷

On March 5, 1770, a cold night on a snow-blanketed Boston street, a sentry got into an argument with an apprentice. A crowd soon gathered at the corner of King Street and Royal Exchange Street, before the Custom House. After listening to the argument, they began pelting the sentry with snowballs. Soon they were throwing not just snowballs but snowballs packed around stones, stones lacking a snowy coat, and other dangerous missiles. The beleaguered sentry rang the bell hanging from his sentry box.

Answering the bell's summons, Captain Thomas Preston marched a squad from the 29th (Worcestershire) Regiment of Foot into the square. Taking up a position between the sentry box and the crowd, the soldiers stood with bayonets fixed and muskets loaded. Jeering at them and daring them to fire was a raucous crowd including roustabouts, apprentices, and sailors. One was Crispus Attucks, a large, strongly-built African American sailor in his late forties, a leader of the sailors on the Boston docks.

Walking between the lines of soldiers and townsmen with his sword drawn, seeking to keep the squad calm as they confronted an angry mob, Preston repeatedly ordered his men not to fire, while he tried to persuade the mob to disperse. The crowd knew that usually soldiers had no authority to fire on civilians, but they forgot or did not know that soldiers could fire if they justifiably believed themselves in danger.

Suddenly Private Hugh Montgomery was hit by a white object (a snowball or a piece of wood) thrown by someone in the crowd. He lost his balance but regained his footing; raising his musket, he accidentally discharged it. His shot turned the tense standoff into a slaughter. Believing that they were under attack and that they could shoot in self-defense, the soldiers fired into the crowd, without any order from Preston. Seeing dead and wounded men falling, and hearing the roar of musketry, the crowd fled the scene.

Attucks and four others were killed outright or mortally wounded; it is unclear whether the soldiers were aiming at specific men or whether they just fired into the crowd. Two victims, Attucks and Samuel Gray, were leaders of the crowd; some witnesses testified that soldiers had aimed at them. Six others fell wounded but did not die. Two victims had had the bad luck to be drawn to the scene by curiosity. One of them, Patrick Carr, declared on his deathbed that the soldiers had fired in self-defense and that he did not blame them for what had happened. Others Bostonians were not so forgiving.

Angry townsmen dubbed the event the “Boston Massacre.”³⁸ An engraving by the silversmith and Son of Liberty Paul Revere did much to define Bostonians’ and posterity’s views of the incident. It shows Preston and his men, their faces grim; the soldiers fire into the crowd, at their sword-pointing captain’s command. Revere depicts the Bostonians as innocent, horrified, well-dressed white gentlemen (the engraving omits Crispus Attucks). Revere did not show the projectiles that the crowd threw. Revere also showed a musket firing at the crowd from a window overlooking the scene in a building labeled “Butcher’s Hall;” supposedly that shot was fired by a Bostonian pro-British customs official. This aspect of Revere’s image may have no basis in fact, but it suggested the Richardson incident of the previous month.³⁹

Indicted for murder, the British soldiers and Captain Preston desperately sought counsel. Adams made no entries in his diary about the matter at the time; our only source is his *Autobiography*, written more than three decades later. That account illustrates Adams's tendency in recollection decades after an event to present his memories as perhaps more vivid, and giving himself a more dramatic role, than the evidence might warrant.

As Adams recalled the matter, James Forrest, a Boston merchant known as the "Irish infant," tearfully approached him on the soldiers' behalf. Forrest beseeched Adams to take the soldiers' case, reporting that no other lawyer would do so. Even Robert Auchmuty and Josiah Quincy, Jr., would act as counsel only if Adams joined them. Stunned by Forrest's report, Adams recalled, he agreed to represent the soldiers:

I had no hesitation in answering that Council [Counsel] ought to be the very last thing that an accused Person should want in a free Country. That the Bar ought in my opinion to be independent and impartial at all Times And in every Circumstance. And that Persons whose Lives were at Stake ought to have the Council they preferred: But he must be sensible this would be as important a Cause as ever was tryed in any Court or Country of the World: and that every Lawyer must hold himself responsible not only to his Country, but to the highest and most infallible of all Trybunals for the Part he should Act. He must therefore expect from me no Art or Address, No Sophistry or Prevarication in such a Cause; nor any thing more than Fact, Evidence and Law would justify. Captain Preston he said requested and desired no more: and that he had such an Opinion, from all he had heard from all Parties of me, that he could chearfully trust his Life with me.⁴⁰

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Three years after the Massacre, in his diary for 5 March 1773, he reflected: “The Part I took in Defence of Captn. Preston and the Soldiers, procured me Anxiety, and Obloquy enough. It was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of service I ever rendered my Country.”⁴¹

Adams insisted in his *Autobiography* that he was paid only eighteen guineas, a small fee for so burdensome and politically charged a case. Contemporary accountings of the trial’s costs show, however, that Adams received closer to forty-two guineas (a third of the fees paid to the three main defense counsel). Some scholars suggest that Adams also received nonmonetary compensation for this case – support for his candidacy for one of the four Boston seats in the Massachusetts General Court.⁴²

Recalling that he put before Abigail the question of representing the soldiers, the possible threat to his law practice, and his obligation to provide legal counsel, he recorded her response: “That excellent lady, who has always encouraged me, burst into a flood of Tears, but said that she was very sensible of all the Danger to her and to our Children as well as to me, but she thought I had done as I ought, she was very willing to share in all that was to come and place her trust in Providence.”⁴³

Radical opponents of British policy knew that Adams and Quincy could be trusted to show that Boston was a town of law, and that the soldiers would get a fair trial with such able lawyers representing them. In sum, the evidence suggests that Adams’s worries that his part in the trial would damage his legal career or his social and political standing had no basis. Adams was lead defense counsel, with Quincy supporting him. Auchmuty was retained by Captain Preston but was not active at his trial. Assisting Crown authorities in the prosecution was Robert

Treat Paine, named by the town of Boston to ensure that Crown authorities would bring a vigorous case against the soldiers.

All spring and summer, Boston waited tensely for the trials to begin. Two rumors circulated – that Bostonians would invade the jail, capture Preston, and hang him; and that Governor Hutchinson and his allies were seeking a royal pardon for Preston and his men. Neither rumor came true. Preston’s trial took place in October and the trial of the soldiers was held in November.

Adams and Quincy made sure to choose jurors not from Boston itself but from nearby towns whose residents were unfamiliar with Boston’s conditions -- unfamiliar specifically with the kinds of people thronging the docks, from where the soldiers’ attackers came. Furthermore, in both trials, Adams focused the jurors’ attention on the events of March 5, steering them away from thinking about the occupation of Boston.

At trial, Adams used two tactics that worked brilliantly. First, he put the British government on trial, arguing that because an army was a poor instrument to enforce law and order, imperial authorities had put the soldiers in an impossible position: “[S]oldiers quartered in a populous town, will always occasion two mobs, where they prevent one. – They are wretched conservators of the peace!” Second, he also put on trial the Bostonians assembled on 5 March, bluntly and repeatedly calling them a “mob.” In his learned closing argument, featuring quotations from the Italian legal reformer Marquis Cesare di Beccaria, the medieval English jurist Lord Fortescue, and the seventeenth-century republican writer Algernon Sidney, Adams stressed the crowd’s mob-like character. Focusing on Attucks, he played what modern polemicists term “the race card,” calling Attucks “a stout Molatto fellow, whose very looks, was enough to terrify any person...” Here, though Adams might have been expressing his own racial

views, he also was appealing to what he knew would be the jurors' racial views and, like any good trial lawyer, making common cause with them. Urging the jurors to imagine themselves in the soldiers' place, Adams said that his clients confronted a hostile mob, willing to kill them and terrifying them with shrieks "almost as terrible as an Indian yell...." Thus, the soldiers acted in self-defense, and the jurors should acquit them of murder.⁴⁴ This argument's impact on the jury was especially great coming from a known advocate of the American cause.

Adams restrained Quincy from probing what he deemed irrelevant issues concerning the antagonism between the townspeople and British forces. Though some scholars have questioned Adams's legal ethics in restraining Quincy (at one point Adams threatened to resign from the case if Quincy persisted), Adams reined in Quincy because he was confident that it was not necessary to pursue his line of argument, for Adams's tactics would secure the soldiers' acquittal. Adams was fully in line with the era's ethical rules guiding a criminal defense counsel.⁴⁵ (Adams and Quincy may have had a further advantage over the prosecution, because the prosecutors may not have had their heart in the case.⁴⁶) Toward the end of his closing argument, Adams returned to the reasonable legal tone dominating his case, urging the jurors to focus on the facts of 5 March as proved at trial: "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...."⁴⁷

The jury acquitted Captain Preston on all charges. In the trial of the soldiers, the jury acquitted six of the eight soldiers in their trial for multiple counts of murder. They convicted two soldiers of the lesser crime of manslaughter, saving them from the gallows but requiring them to be branded on their thumbs with the letter M.⁴⁸

In 1771, after the Boston Massacre trials, Adams fell ill – the first sign of a pattern of illness following stressful public action recurring throughout his career. The Boston Massacre trials were the likeliest source of his exhaustion, but he also had allowed himself to be drawn into politics, having been elected to the Massachusetts General Court’s lower house. Further, Susanna, the daughter whose birth had been a source of happiness and of worry to her parents, died, aged thirteen months. Soon after, Abigail gave birth to a second son, whom they named Charles, but the pregnancy was difficult for her. These private and public sources of stress proved too much for John. He moved Abigail and the children back to Braintree, while spending long hours in his Boston office to catch up with his work and to have a place where he could be on his own. In 1772, Abigail gave birth to a third son, Thomas Boylston Adams.

In January 1773, Adams again took a leading role in politics behind the scenes. The occasion was the address to the Massachusetts General Court by the new governor, Thomas Hutchinson. The first American-born royal governor of an American colony, Hutchinson should have been a model for ambitious countrymen seeking to advance themselves. Instead, he was a focus of suspicion and resentment as a too-eager advocate of the British cause. Beginning his governorship, Hutchinson decided to challenge his fellow subjects’ resistance to British policy. In his opening address to the General Court, like a monarch’s speech from the throne opening a session of Parliament, Hutchinson defended Parliamentary supremacy. After fruitless appeals to British authorities for aid, Hutchinson decided that he would make the case for the British position himself, believing that his duty as governor compelled him to do so.

Hutchinson’s challenge generated not one response but two. The leadership of the legislature’s lower house enlisted John Adams to prepare a response to the governor’s address more learned and legal than the “popular” response prepared by a legislative committee led by

Samuel Adams. Hutchinson answered both replies. Another committee (again aided by John Adams) prepared a second response. The exchanges filled a pamphlet of 126 pages, which circulated throughout Massachusetts and attracted newspaper coverage in other colonies.

Adams was sure that his was the sound constitutional position. Further, he was confident that Hutchinson had injured himself politically in the people's eyes by making such a vehement pro-British case, and in the eyes of his backers in London by being too confrontational.⁴⁹ Even so, he grumbled in his diary that he needed to focus on his law practice and his family, not on further controversies. It was a typical Adams complaint, resisting temptation to congratulate himself and reminding himself of his obligations.

The House elected Adams to the governor's council, but Hutchinson vetoed his election. In Adams's eyes, the Hutchinson-Oliver alliance sought to control the privileges of office-holding in Massachusetts, standing against their friends and neighbors. They were upholding the British cause at the expense of American rights under the English constitution.

For Adams, the contest between Britain and America focused on Massachusetts. He did not yet grasp that the controversy with Britain was American, not just a matter for Massachusetts or for New England. One reason why Adams failed at first to see the full scope of the dispute with Britain was the difficulty of communication between colonies.⁵⁰ Most advocates of the American cause had only a sketchy sense of events outside their native colony.⁵¹ Not until the First Continental Congress in 1774 could such advocates of the American position as John Adams understand what these disputes meant to colonists elsewhere in British North America. In this provincial myopia, he was not alone. Most Americans saw the relationship between their own "country" and Britain as more direct and immediate than those with fellow colonies.⁵²

One controversy stressing the dispute's local character but also carrying imperial consequences was that over judicial independence in Massachusetts.⁵³ Should judges appointed by the king depend on the colonial legislature for their pay or should they be paid by the Crown? In the Boston town meeting in December 1772, a leading figure of the community, Colonel William Brattle, stunned Bostonians by advocating Crown salaries for superior court judges. In January and February 1773, at the same time as the dispute between the Massachusetts General Court and Governor Hutchinson, Brattle and Adams fought in a series of signed newspaper essays in the *Boston Gazette*. Adams won plaudits for his vigorous, learned, and effective argument that the colony ought to pay its own judges. If the Crown were to pay superior court judges, Adams insisted, royal salaries for those judges might put them under the Crown's thumb.

Adams's essays are also noteworthy as an early appearance of what became his rhetorical style in larger projects of political and constitutional argument. Adams would structure his writing by basing it on another text – in this case, Brattle's essays. Adams would argue to that text like a lawyer cross-examining a witness, point by point and assertion by assertion. So close was his attention to his adversary's text that someone not familiar with both sides of the argument might have trouble following Adams through the thicket of assertion and response, claim and refutation. In such later works as his 1775 *Novanglus* essays, his 1787 *Defence of the Constitutions*, his 1791 *Discourses on Davila*, and his 1809-11 essays for the *Boston Patriot*, he used the same style of argument.

The years 1772-73 brought the most dramatic confrontation yet between the colonists and Britain. The king's ministers reconsidered their approach to raising revenue from and reinforcing British authority over the colonies. Spurring these efforts were the fiscal ills of the British East India Company, a monopoly controlling Britain's tea trade with its Asian colonies, including

among its shareholders leading British politicians. To save the Company from bankruptcy, the ministry devised a plan that, they hoped, would bring the Company short-term help and also might defuse colonial resistance to British taxation. Parliament repealed all British taxes on the colonies except a three-penny tax on tea. The Company planned to ship large quantities of tea to American ports, setting its price low enough to cover the tea tax, so that the taxed cut-rate tea would cost less than tea once did. They expected Americans to buy the tea at the bargain price, paying the tax without raising constitutional difficulties.

To King George's ministers, the tea plan seemed brilliant in three ways. First, the East India Company would receive a badly-needed infusion of cash from sales of cut-rate tea. Second, bolstering the Company's finances would save influential politicians' investments in the Company. Third, Americans paying the tea tax as part of the reduced price of tea would undermine American objections to British taxation.⁵⁴

Americans rejected the tea policy from the moment they heard of it and readied themselves to resist the ministry's plan. Seeing that buying cut-rate tea would mean accepting an unconstitutional tax, they decided not to buy. Further, they resented the British attempt to bail out a corrupt, insolvent corporation holding a monopoly of the tea trade, especially by having Americans bear the burden of that bailout while sacrificing their constitutional rights. In three cities to which the tea ships sailed, American resistance prevented landing of the tea. In Boston, Governor Hutchinson, determined to support the ministry, ordered the tea ships to dock. On December 5, 1773, Abigail Adams reported to her friend Mercy Otis Warren: "The tea that bateful weed, is arrived.... The proceedings of our Citizens have been United, Spirited and firm. The Flame is kindeled and like Lightening it catches from Soul to Soul."⁵⁵

Eleven days later, on December 16, 1773, a stormy meeting of the Sons of Liberty at Old North Church, chaired by Samuel Adams, vented public outrage at the tea ships in Boston harbor. At the meeting's close, nearly two hundred men disguised as Native American warriors headed to the harbor and swarmed aboard the tea ships. A locksmith accompanying the mock Indians broke each lock securing the ships' holds; the demonstrators seized 342 crates of tea, worth about £10,000, and tossed them into Boston Harbor, breaking the crates open with their hatchets to ensure that salt water would soak the tea and ruin it. The locksmith then repaired the locks on the holds, dramatizing the raiders' respect for lawful property and their issue only with unconstitutional property. When the raiders found that one of them had pocketed tea for his own use, they stripped him naked, tossed into the harbor the tea they found on him and his clothing, and made him walk home in the freezing cold. The "destruction of the tea" was an effective act of political theater. (Bostonians at the time called the event the "destruction of the tea;" the name "Boston Tea Party" did not arise until more than sixty years later, a product of battles over how history should recall the Revolution.)⁵⁶

The night after the destruction of the tea, John Adams recorded in his diary his praise of an act dramatizing colonial resistance to unconstitutional British taxes:

This is the most magnificent Movement of all. There is a Dignity, a Majesty, a Sublimity, in this last Effort of the Patriots, that I greatly admire. The People should never rise, without doing something to be remembered—something notable And striking. This Destruction of the Tea is so bold, so daring, so firm, intrepid and inflexible, and it must have so important Consequences, and so lasting, that I cant but consider it as an Epocha in History.⁵⁷

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The tea crisis helped to end Hutchinson's political career. It followed hard on the heels of the leak in June 1773 of letters among Hutchinson, the previous governor (Francis Bernard), and British authorities. In one letter, Hutchinson suggested the "Abridgment of what are called English liberties." His effectiveness destroyed by the revelation of his letters and by the destruction of the tea, Hutchinson left Massachusetts for England on 1 June 1774. He never returned. Adams paid little attention to the fall of the man whom he had seen as the incarnation of the crisis with Britain. He knew that the British government would not take the tea's destruction lightly.⁵⁸

When in early 1774 Lord North and his Cabinet learned of the events in Boston, they decided to make an example of Massachusetts, which they scorned as a rebellious colony needing sharp measures to bring it to heel.⁵⁹ Parliament enacted a set of statutes to punish Boston and Massachusetts for destroying company property and resisting the Tea Act: They were called the Coercive Acts; Americans renamed them the Intolerable Acts.

The Massachusetts Government Act revoked Massachusetts's royal charter, imposed military government on the colony, and limited the calling of town meetings to one per year per town. The Boston Port Act closed the port of Boston until Massachusetts reimbursed the East India Company for the value of the destroyed tea and until King George III was satisfied that order had been restored in Massachusetts. The Administration of Justice Act gave the royal governor of Massachusetts sole, unreviewable discretion to transfer to Britain any British official in Massachusetts accused of a crime there, if he found that the official could not get a fair trial in Massachusetts. The Quartering Act required American householders to house British soldiers on

demand from British authorities. Because this measure applied not just to Massachusetts but to all of British North America, it evoked general alarm.

Americans lumped together with the Intolerable Acts the British North America (Quebec) Act. This measure extended the province of Quebec to include lands west of the American colonies, blocking American investors and speculators from buying those lands. It also guaranteed religious freedom to Catholics; deleted from oaths of citizenship in Quebec the requirement to support Protestant Christianity; restored French civil law in Quebec (except that British common law still covered public-law questions); and allowed Catholic churches to impose tithes on their parishioners. New Englanders, always fearing Catholicism, saw this statute as threatening English and American liberties.⁶⁰

In enacting the Coercive Acts, the British overplayed their hand. Previously, Americans who wanted to stay out of the fight with Britain could ignore conflicts between Britain and Massachusetts. The Coercive Acts made that position untenable. Instead, they inspired an American backlash threatening Britain's authority over the mainland colonies of British North America. Every colony except Georgia (too far away and too poor to act) chose delegates to the first intercolonial meeting since the Stamp Act Congress of 1765.⁶¹

On June 17, 1774, the Massachusetts General Court chose five delegates to what we call the First Continental Congress. James Bowdoin, a wealthy and politically active merchant, refused to serve, but Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine accepted. Except for Samuel Adams, known as a leader of the radicals and the Sons of Liberty, they were politically moderate to conservative. All were graduates of Harvard College; Cushing, John Adams, and Robert Treat Paine were lawyers.⁶²

Adams accepted his election with mixed feelings. He was reluctant to leave his family, uncertain about the new political world he was about to enter, and unsure whether he was up to the challenge of representing Massachusetts in the first American assembly. For eight years, he had been immersed in formulating arguments against unconstitutional British measures. He had learned much, and he had sought to teach much. Now a new world was opening before him, and he was ambivalent about taking the next step. He was about to enter a new level of political thought and action – a dawning world of American politics, in which he would have to take the measure of fellow colonists from New Hampshire to South Carolina while they were taking his measure. He would have to learn how to work with them in common cause.

On June 20, 1774, he confided to his diary his curiosity and apprehension:

There is a new, and a grand Scene open before me -- a Congress.

This will be an assembly of the wisest Men upon the Continent, who are Americans in Principle, i.e. against the Taxation of Americans, by Authority of Parliament.

I feel myself unequal to this Business. A more extensive Knowledge of the Realm, the Colonies, and of Commerce, as well as of Law and Policy, is necessary, than I am Master of.

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What can be done? Will it be expedient to propose an Annual Congress of Committees? to Petition. -- Will it do to petition at all? - to the K [King]? to the L [Lords]? to the C [Commons]?

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What will such Consultations avail? Deliberations alone will not do. We must petition, or recommend to the Assemblies to petition, or [unfinished sentence]

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The Ideas of the People, are as various, as their Faces. One thinks, no more petitions, former having been neglected and despized. Some are for Resolves -- Spirited Resolves -- and some are for bolder Councils.

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I will keep an exact Diary, of my journey, as well as a Journal of the Proceedings of the Congress.⁶³

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NOTES

¹ Entry for 1 January 1776, John Adams diary 12, 30 December 1765 - 20 January 1766. *AFPEA/MHS*.

² "From John Adams to Thomas Jefferson, 24 August 1815," *FO/NA* [Early Access document].

³ Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766* (New York: Alfred A. Knopf, 2000).

⁴ Fred Anderson, *A People's Army: Massachusetts Soldiers and Society in the Seven Years' War* (Chapel Hill: University of North Carolina Press for the Institute for Early American History and Culture, 1984).

⁵ Edmund S. Morgan, *The Meaning of Independence: John Adams, George Washington, and Thomas Jefferson* (Charlottesville: University of Virginia Press [1968], 2004), *passim*.

⁶ "From John Adams to William Tudor, Sr., 29 March 1817," *FO/NA*. [Early Access document] Charles Francis Adams struck the italicized portion of the quotation from his published version of the letter.

⁷ M. H. Smith, *The Writs of Assistance Case* (Berkeley and Los Angeles: University of California Press, 1978), *passim*. L. Kinvin Wroth and Hiller B. Zobel, eds., *The Legal Papers of John Adams*, 3 vols. (*LPJA*) (Cambridge, MA: Belknap Press of Harvard University Press, 1965), 2:106-147: "Case No. 44: *Petition of Lechmere*." James M. Farrell, "Writs of Assistance and Public Memory: John Adams and the Legacy of James Otis," *New England Quarterly* 89 (2006): 535-556, and James M. Farrell, "The Child Independence is Born: James Otis and Writs of Assistance," in Stephen E. Lucas, ed., *Rhetoric, Independence and Nationhood*, Volume 2 of Martin J. Medhurst, ed., *A Rhetorical History of the United States: Significant Moments in American Public Discourse*, (East Lansing: Michigan State University Press, forthcoming), available online at http://scholars.unh.edu/cgi/viewcontent.cgi?article=1004&context=comm_facpub

⁸ "From John Adams to William Tudor, Sr., 29 March 1817," *FO/NA*. [Early Access document].

⁹ *Id.*

¹⁰ Richard Archer, *As If an Enemy's Country: The British Occupation of Boston and the Origins of Revolution* (New York: Oxford University Press, 2010), 13-15.

¹¹ Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge, MA: Belknap Press of Harvard University Press, 1974). For a legal-historical critique, John Phillip Reid, "Book Review: The Ordeal by Law of Thomas Hutchinson," *New York University Law Review* 49 (October 1974):593-613. For Bailyn's later reflections, Bernard Bailyn, "Thomas Hutchinson in Context: The *Ordeal* Revisited," in Bernard Bailyn, *Sometimes an Art: Nine Essays on History* (New York: Alfred A. Knopf, 2015), 147-170 (notes at 284-285). On the Otises, Waters, *Otis Family*, *passim*.

¹² "From John Adams to William Tudor, Sr., 29 March 1817," *FO/NA*. [Early Access document.]

¹³ Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (New Haven, CT: Yale University Press, 1998), 66n*, accusing Adams of "historical revisionism." Jon Kukla, *Patrick Henry: Champion of Liberty* (New York: Simon and Schuster, 2017), 39-46, for the Virginian view.

¹⁴ Rhys Isaac, "Religion and Authority: Problems of the Anglican Establishment in Virginia in the Era of the Great Awakening and the Parsons' Cause," *William and Mary Quarterly*, 3d ser., 30:1 (January 1973): 3-36; Arthur P. Scott, "The Constitutional Aspects of the 'Parson's Cause,'" *Political Science Quarterly*, 31:4 (December 1916): 558-577. Thad W. Tate, "The Coming of the Revolution in Virginia: Britain's Challenge to Virginia's Ruling Class, 1763-1776," *William and Mary Quarterly*, 3d ser., 19:3 (July 1962): 323-343.

¹⁵ Anderson, *Crucible of War*, 560-571; see also *id.*, 572-616 and 641-746.

¹⁶ Anderson, *A People's Army*, *passim*.

¹⁷ Archer, *As If in an Enemy's Country*, 4.

¹⁸ Anderson, *Crucible of War*, 574-580.

¹⁹ Instructions dated 24 May 1764, in *Documents of the City of Boston, for the Year 1886, in Three Volumes: Volume II...*, (Boston, MA: Rockwell and Churchill, City Printers, 1887), *City Document No.*, 88: *Boston Town Records*, 120-122 (quotation at 122).

²⁰ Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, CT: Yale University Press, 1996).

²¹ Steven Pincus, *1688: The First Modern Revolution* (New Haven, CT: Yale University Press, 2009).

²² Thomas Truxes, *Defying the Empire: Trading with the Enemy in Colonial New York* (New Haven, CT: Yale University Press, 2008).

²³ Edward Porritt, assisted by Annie G. Porritt, *The Unreformed House of Commons: Parliamentary Representation Before 1832*, 2 vols. (Cambridge, Eng.: Cambridge University Press, 1903); John Cannon, *Parliamentary Reform*,

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²⁴ John Phillip Reid, *The Concept of Representation in the Age of the American Revolution* (Chicago: University of Chicago Press, 1989); Cannon, *Parliamentary Reform, 1640-1832*; and Pole, *Political Representation*.

²⁵ John Phillip Reid, *Constitutional History of the American Revolution*, 4 vols. (Madison: University of Wisconsin Press, 1986-1993; 1-vol. abridged ed., 1995); Jack P. Greene, *The Constitutional Origins of the American Revolution* (Cambridge, Eng., and New York: Cambridge University Press, 2012).

²⁶ Martin Loughrin, *The British Constitution: A Very Short Introduction* (Oxford, UK: Oxford University Press, 2013).

²⁷ John Phillip Reid, "Another Origin of Judicial Review: The Constitutional Crisis of 1776 and the Need for a Dernier Judge," *New York University Law Review* 64:5 (November 1989): 963-989.

²⁸ Archer, *As If an Enemy's Country*, 16.

²⁹ Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution*, 3d edition (Chapel Hill: University of North Carolina Press for Institute of Early American History and Culture, 1991 [orig. ed., 1955]); Edmund S. Morgan, ed., *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764-1766* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1959); and Archer, *As If an Enemy's Country*, 20-22, 49-50.

³⁰ John Adams autobiography, part 1, "John Adams," through 1776, sheet 10 of 53. AFPEA/MHS.

³¹ <https://founders.archives.gov/ancestor/ADMS-06-01-02-0052>. Ryerson, *Republic*, 47-49, 60-61; Howe, 40-43.

³² "III. Instructions as Printed in the *Massachusetts Gazette*, 10 October 1765," FO/NA. See Ryerson, *Republic*, 49-50.

³³ Richard A. Samuelson, "The Constitutional Sanity of James Otis: Resistance Leader and Loyal Subject," *Review of Politics*, 61:3 (Summer 1999): 493-523; James R. Ferguson, "Reason in Madness: The Political Thought of James Otis," *William and Mary Quarterly*, 3d ser., 36:2 (April 1979): 194-214; Waters, *Otis Family*; and Ellen Elizabeth Brennan, "James Otis: Recreant and Patriot," *New England Quarterly* 12:4 (December 1939): 691-725. See also the studies by Farrell cited in note 7 *supra*.

³⁴ C. Bradley Thompson, *John Adams and the Spirit of Liberty* (Lawrence: University Press of Kansas, 1998), 24-87.

³⁵ Benjamin C. Irvin, *Sam Adams: Son of Liberty, Father of Revolution* (New York: Oxford University Press, 2003); Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York: Alfred A. Knopf, 1980); John C. Miller, *Sam Adams: Pioneer in Propaganda* (Boston, MA: Little, Brown, 1936; pbk.rept., Stanford University Press). For context, Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Alfred A. Knopf, 1972).

³⁶ Archer, *As In an Enemy's Country*, and Eric Hinderaker, *Boston's Massacre* (Cambridge, MA: Belknap Press of Harvard University Press, 2017).

³⁷ Archer, *As If an Enemy's Country*, 179-181; Hinderaker, *Boston's Massacre*, 216, 234. On *Rex v. Richardson*, *LPJA* 2:396-430.

³⁸ Archer, *As If an Enemy's Country*, 182-206, and Hinderaker, *Boston's Massacre*, *passim*.

³⁹ The engraving is in Archer, *As If an Enemy's Country*, at 194, and in Hinderaker, *Boston's Massacre*, 228, 229, 232, and 233.

⁴⁰ John Adams autobiography, part 1, "John Adams," through 1776, sheet 12 of 53 AFPEA/MHS.

⁴¹ Diary entry dated 5 March 1773, John Adams diary 19, 16 December 1772 - 18 December 1773, AFPEA/MHS.

⁴² Archer, *As If an Enemy's Country*, 218; Hinderaker, *Boston's Massacre*, 189; and Ferling, *John Adams*, 68. The surviving documents from the Boston Massacre Trials appear in *LPJA*, volume III. On Adams's fee, *Autobiography*, cited in note 41 *supra*, but see also Hinderaker, *Boston's Massacre*, 189, suggesting that Adams's fee was higher than he remembered.

⁴³ John Adams autobiography, part 1, "John Adams," through 1776, sheet 13 of 53. AFPEA/MHS.

⁴⁴ John Adams, "Adams's Argument for the Defense [in *Rex v. Wemmes*]," in *LPJA* 3:242-270 (quotations at 266 ["wretched conservators"]; 246 and 269 and 266 ["Molattos"]). Arthur Scherr, *John Adams, Race, and Slavery: Ideas, Politics, and Diplomacy in an Age of Crisis* (Santa Barbara, CA/Denver, CO: Praeger, 2018), 4-5.

⁴⁵ John Phillip Reid, "A Lawyer Acquitted: John Adams and the Boston Massacre Trials," *American Journal of Legal History* 18:3 (July 1974): 189-207.

⁴⁶ Reid, "A Lawyer Acquitted," 207.

⁴⁷ Adams, "Argument for the Defense," *LPJA* 3:269.

- ⁴⁸ Archer, *As If an Enemy's Country*, 182-225; Hiller B. Zobel, *The Boston Massacre* (New York: W. W. Norton, 1970); *contra* Zobel, Reid, "A Lawyer Acquitted."
- ⁴⁹ John Phillip Reid, ed., *The Briefs of the American Revolution: Constitutional Arguments between Thomas Hutchinson, Governor of Massachusetts Bay, and James Bowdoin for the Council and John Adams for the House of Representatives* (New York: New York University Press, 1981), with excellent commentary. Ryerson, *Republic*, 104-114. For an account focusing on Hutchinson, Bailyn, *Ordeal of Thomas Hutchinson*, 196-220 [esp. 207-211].
- ⁵⁰ Richard D. Brown, *Knowledge is Power: The Diffusion of Information in Early America, 1700-1865*. (New York: Oxford University Press, 1989), and Richard D. Brown, *The Strength of a People: The Idea of an Informed Citizenry in America, 1650-1870* (Chapel Hill: University of North Carolina Press, 1996).
- ⁵¹ Maier, *From Resistance to Revolution*; Richard D. Brown, *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns, 1772-1774* (Cambridge, MA.: Harvard University Press, 1970).
- ⁵² Rogan Kersh, *Dreams of a More Perfect Union* (Ithaca, NY: Cornell University Press, 2001); Richard L. Merritt, *The Symbols of American Community, 1735 to 1755* (New Haven, CT: Yale University Press, 1968); Yehoshua Arieli, *Individualism and Nationalism in American Ideology* (Cambridge, MA: Harvard University Press, 1964); Henry Steele Commager, "The Origins and Nature of American Nationalism," in Henry Steele Commager, *Jefferson, Nationalism, and the Enlightenment* (New York: George Braziller, 1975), 187-196.
- ⁵³ Ryerson, *Republic*, 101-104.
- ⁵⁴ See Benjamin I. Carp, *Defiance of the Patriots: The Boston Tea Party and the Making of America* (New Haven, CT: Yale University Press, 2010); Alfred H. Young, *The Shoemaker and the Tea Party: Memory and the American Revolution* (Boston, MA: Beacon Press, 1999); Joseph Crimmins, *Ten Tea Parties: Patriotic Protests that History Forgot* (Philadelphia, PA: Quirk Books, 2012).
- ⁵⁵ "Abigail Adams to Mercy Otis Warren, 5 December 1773," *FO/NAy*.
- ⁵⁶ Carp, *Defiance of the Patriots*. Alfred F. Young, *The Shoemaker and the Tea Party: Memory and the American Revolution* (Boston, MA: Beacon Press, 1999). See also Benjamin Woods Larrabee, *The Boston Tea Party* (New York: Oxford University Press, 1964; rept. ed., Boston, MA: Northeastern University Press, 1979).
- ⁵⁷ Entry for December 17, 1773, John Adams diary 19, 16 December 1772 - 18 December 1773, *AFPEA/MHS*.
- ⁵⁸ Bailyn, *Ordeal of Thomas Hutchinson*, 221-374.
- ⁵⁹ Carp, *Defiance of the Patriots*, 192-200.
- ⁶⁰ Boston Port Act (Trade Act 1774), 14 Geo. III. c.19 (1774); Massachusetts Government Act, 14 Geo. III c.45 (1774); Administration of Justice Act 1774, 14 Geo III c.39 (1774); Quartering Act 1774, 14 Geo. III c.54; Quebec Act, Quebec Act, 14 George III, c.83 (1774).
- ⁶¹ Willi Paul Adams (Rita and Robert Kimber, trans.), *The First American Constitutions: Republican Ideology and the Making of the State Constitutions in the Revolutionary Era*, expanded edition (Lanham MD: Rowman & Littlefield Publishers/A Madison House Book, 2000 [orig. ed., 1980]), 336-46.
- ⁶² Ferling, *John Adams*, 96-97.
- ⁶³ Entry for 20 June 1774, John Adams diary 20, 28 February - 25 June 1774. *AFPEA/MHS*.

CHAPTER FOUR

“We must for the future stand upon our own Legs or fall.”

Continental Congress and Independence

(1774-1777)

In August 1774, a carriage bearing the Massachusetts delegates to the First Continental Congress rattled to Philadelphia; John Adams and his colleagues were unsure what to expect when they arrived. Previous inter-colonial gatherings had been like meetings of diplomats from rival nations.¹ In 1774, by contrast, the delegates representing twelve of the thirteen colonies of British North America were hoping to work together as members of an American union, in the first truly American political institution. In the process, they were about to invent American politics, a shared political enterprise held together by a common vision of American goals, principles, and interests that would devise an American national identity. The delegates to the First Continental Congress were about to begin learning how to be Americans, how to work together as Americans, and how to define what it meant to be American.²

The Massachusetts delegates decided to be cooperative and collegial; they wanted to counter the prevailing image of Massachusetts as a hotbed of dissension and rebellion. They decided to hold back, to listen rather than talk, to consider other delegates' proposals for action rather than demand action themselves. They recognized that the Congress would be riven by faction and they did not want to add to it. Early in the proceedings, for example, two conservative delegates – John Jay of New York and John Rutledge of South Carolina – sought to find a fault line that would divide their colleagues and frustrate the Congress's work. When

Massachusetts delegate Thomas Cushing offered a motion that the Congress open its daily sessions with prayer, Rutledge and Jay objected that the delegates were so religiously diverse that they could not agree on a clergyman to lead them in prayer. In response, Samuel Adams assured his colleagues that he could listen to a prayer offered by any good clergyman who was a friend to his country. He then suggested Rev. Jacob Duché of Philadelphia, one of the highest-toned Anglican ministers in the city. Jay and Rutledge were nonplused; for a Congregationalist to propose that an Anglican minister lead the delegates in prayer was astonishingly broadminded. Samuel Adams's astute move finished Jay's and Rutledge's attempt to divide the delegates by religion.³

Remaining circumspect in the debates, John Adams let others carry the ideological and rhetorical weight in discussing British policy and what action Congress should take against it. He also recorded his observations of people from other regions and other colonies. Other politicians at the Congress were similarly curious. Each colony's delegates sought enlightenment – and entertainment – in scrutinizing traits and peculiarities of dress, habit, religion, and speech displayed by fellow politicians from elsewhere. Adams filled his diary and his letters to Abigail with vivid word-portraits of politicians he had met, of the cities he had seen, of the dinners he had attended and the taverns he had visited. He promised Abigail that he would show her his diary when he returned, but, even as he protested that he had too little time to write, he dashed off a letter to describe what he was experiencing: “There is in the Congress a Collection of the greatest Men upon this Continent, in Point of Abilities, Virtues and Fortunes. The Magnanimity, and public Spirit, which I see here, makes me blush for the sordid venal Herd, which I have seen in my own province.” He bubbled over with enthusiasm for what he was experiencing and what he was seeing – like a man from the country visiting the big city for the first time. At the same

time, he shared with Abigail the arguments and difficulties that he had to face – for example, how to decide how voting would take place in Congress, whether by colonies, by population, or by some other form of representation. His willingness to bring her into these arguments testified to his appreciation of Abigail’s intelligence and political understanding and his sense of her as an intellectual partner.⁴

The First Continental Congress devised a coordinated American strategy to respond to the Intolerable Acts. That strategy’s centerpiece was the Association, an array of committees in each colony organized to enforce American boycotting of British trade – the method that had persuaded Parliament to repeal the Stamp Act in 1766. Recognizing the need to devise a continuing American political and governmental apparatus to respond to future developments, the delegates scheduled a second Continental Congress to convene six months after the adjournment of the first.

Americans had not waited for the calling of the Second Continental Congress to debate and devise policies binding the colonies. Instead, reactions to the First Congress’s measures and to the controversies swirling around them dominated American newspapers. Thus, in the late fall of 1774, after Adams’s return from Philadelphia, a writer using the pen-name *Massachusettensis* began publishing in the *Massachusetts Gazette, and the Boston Post-Boy and Advertiser* a series of essays defending the British position. The man behind *Massachusettensis* was Daniel Leonard, a lawyer from Taunton five years Adams’s junior. Leonard had supported the colonial position until Hutchinson had converted him to the British cause. It was only decades later that Adams learned that his antagonist had been Leonard. At the time, he made a mistaken deduction – that *Massachusettensis* was his friend and antagonist Jonathan Sewall. Concerned lest *Massachusettensis* win adherents to the British cause, Adams decided to respond.

From January through April 1775, Adams published twelve scholarly, hard-hitting essays, using the pen-name *Novanglus*. These essays set forth his most thorough statement of the American position on the constitutional dispute with Britain.⁵ Demonstrating his mastery of the constitutional and legal arguments for the American position, *Novanglus* also showed a profound grasp of the intellectual and moral significance of the quarrel between Britain and her colonies: “It is in vain to expect or hope to carry on a government, against the universal bent and genius of the people, we may whimper and whine as much as we will, but nature made it impossible, when she made men.”⁶ *Novanglus* finds few readers today because of its argument’s intricacy and its point-by-point response to *Massachusettensis*. In their rhetorical and argumentative density, the *Novanglus* essays exemplified Adams’s legal training. Like other lawyers of his time, Adams used an argumentative style too prolix and tangled for those not immersed in the dispute. His essays were so effective in presenting their case, however, that they confirmed him as a leading advocate of the colonial cause.

Between the end of the First Continental Congress in October 1774 and the convening of the Second in May 1775, Adams returned to his law practice and to his family. Even so, the experience of stepping onto the American political stage made him restless. Though he was the leading lawyer in Massachusetts, he realized that now he was more interested in politics than in his law practice. As he had jokingly written in 1755, he was becoming a politician – now an American politician, though careful always to represent Massachusetts and its interests.

In December 1774, the Massachusetts Provincial Congress – a body standing outside the colony’s established political structure but with the same membership as the lower house of the General Court – elected John Adams as one of the colony’s delegates to the impending Second

Continental Congress. This new meeting was to determine the effects of the policies adopted by the First Continental Congress and to assess what future actions might be needed.

By 1774, most of Massachusetts except a small area around Boston was hostile to royal authority. On April 18, 1775, the province's military governor, General Thomas Gage, ordered British soldiers to seize caches of weapons and munitions in town arsenals near Boston; they also were to arrest Samuel Adams and John Hancock, whom Gage saw as leaders of American resistance. Gage was trying not to crush revolutionary sentiment but rather to prevent it from overwhelming the province.⁷

Colonists learned of the British plans, and a group of riders devoted to the Patriot cause fanned out into the countryside to inform the people. Paul Revere, William Dawes, Samuel Prescott, and others roused the countryside and warned Hancock and Adams so that they avoided capture. Though captured by British forces, Revere misled and distracted them as they questioned him, causing a crucial delay in carrying out Gage's orders. The next morning, when British regulars marched into Lexington, they found the town's militia turned out. The "minutemen" – so called for their ability to be ready for action in one minute – meant only to offer a show of resistance, a performance of their duty to defend the town's arsenal. Once that show was done, they planned to retire in good order, not provoking the regulars. In that tense moment of confrontation, however, a shot rang out; nobody has determined who fired it. The regulars assumed that the Americans had fired on them, and they fired back into the retreating minutemen, killing eight and wounding ten more. As the British soldiers seized the town's arsenal and its contents, riders and ringing church bells spread news of the skirmish at Lexington through the area. By the time British forces traveled six miles to Concord (their next target), seized caches of weapons and ammunition, and sought to cross the Old North Bridge, a

formidable force of colonial militiamen barred their way. Another moment of silent tension ended when the British soldiers fired on the militia. To their surprise and alarm, the colonists fired back. That exchange of fire was the first colonial military resistance to British forces. Stunned, the British retreated, enduring withering fire from colonial militiamen all along the road back to Boston. By the end of the retreat, 73 British soldiers had been killed, 174 had been wounded, and 26 were missing; American casualties were 49 killed, 41 wounded, and 5 missing. News of the battles swiftly moved down North America's eastern coast, reaching Philadelphia within a week.⁸

For Adams, the news from Massachusetts was shattering. He worried because his wife and children were living in Braintree, near the likely theaters of war, as British soldiers faced Massachusetts militiamen. The news of bloodshed put an end to Adams's hopes of healing the breach between the colonies and Britain. As a result, Adams abandoned his former skepticism and became one of independence's most insistent advocates in Congress.

Abigail's anguished report of the Battle of Bunker Hill strengthened his resolve even as it moved him to sorrow:

The Day; perhaps the decisive Day is come on which the fate of America depends. My bursting Heart must find vent at my pen. I have just heard that our dear Friend Dr. Warren is no more but fell gloriously fighting for his Country -- saying better to die honourably in the field than ignominiously hang upon the Gallows. Great is our Loss. He has distinguished himself in every engagement, by his courage and fortitude, by animating the Soldiers and leading them on by his own example. A particular account of

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these dreadful, but I hope Glorious Days will be transmitted you, no doubt in the exactest manner.⁹

Furious that his colleagues were still debating as his countrymen were dying in the cause, Adams recognized that embracing independence was only the beginning. Even if the colonies declared independence and formed an American union, Adams asked himself, could they resist Britain's determination to maintain its authority over the colonies and the power that London would bring to bear? War would force American subjects of George III to choose the land of their children, neighbors, and friends over their king and their homeland across the ocean. How many would make that choice, and at what cost? As Adams knew, no colony in the history of the western world had won independence from its mother country. He asked himself what would make such a revolution a success.

One practical dimension of the problem was that of organizing American forces to resist the British. In June, when Congress created the Continental Army, they chose Virginia delegate George Washington to command it. In his *Autobiography*, written decades later, Adams claimed that he had been responsible for the choice of Washington. Further, he insisted, he had been instrumental in rallying New England delegates behind Washington's candidacy, helping to frustrate the military ambitions of his Massachusetts colleague, John Hancock, president of Congress. Some scholars charge Adams with exaggerating his claims, as the only evidence for his version of events is his uncorroborated *Autobiography*. Yet again this controversy suggests a pattern guiding assessment of Adams's reminiscences of his role in turning points of the Revolution and the creation of the new nation. Though perhaps we should be skeptical of his asserted central role in such events, we can trust his accounts of his arguments and thinking at

such junctures.¹⁰ However it happened, Congress chose Washington. Accepting his appointment as the army's commander-in-chief, he took his leave of Congress and, having bought supplies (including five military textbooks to guide him), he journeyed northward, to Cambridge, to take command of the Continental Army.

Even with American forces in the field, many of Adams's colleagues still were not ready for the ultimate step of declaring independence. Instead, igniting Adams's baffled fury, they made a last-ditch effort to seek King George III's intervention in the controversy between his ministry and the colonies. After considerable debate, on 5 July 1775 Congress adopted a petition addressed to the king. This "Olive Branch Petition" was a last conciliatory request to George III by the delegates in Congress in their private capacity as leading colonists of British North America. Thus, the petition makes no reference to Congress.¹¹ Petitioning the king was a practice deeply rooted in English constitutional and political argument; it was an exercise of a constitutional right held by all English subjects. The right of petition was a means to focus the monarch's attention on problems afflicting some of his subjects, who hoped that he would answer their petition by doing justice among all his subjects.

The mindset from which the Olive Branch Petition grew had found powerful form in "The Idea of a Patriot King," a 1738 essay by the political essayist Henry St. John, Viscount Bolingbroke (a writer whose works Adams read and reread).¹² Using Bolingbroke's theory, the delegates addressed George III as a patriot king not allied with any faction but duty-bound to consider impartially the whole realm's interests, and required by that duty to hear and mediate conflicting claims from all his subjects. Adams had studied Bolingbroke's writings with care and sympathy, but he doubted the Olive Branch Petition's chances. In his view, the American blood shed at Lexington and Concord meant that the time for arguments and petitions was over.

Congress used a draft prepared by John Dickinson of Pennsylvania, a noted attorney and politician who had won fame in 1767-68 for his influential defense of the American cause, *Letters from a Farmer in Pennsylvania*.¹³ Though he admired Dickinson's *Letters*, Adams was skeptical of, even hostile to, the Olive Branch Petition. Outvoted in Congress by those who wanted to make one last appeal, Adams at first kept his doubts to himself and signed the petition. Even so, as the petition's engrossed copies traveled to England for presentation to George III, Adams stewed over his opposition to the measure and decided to vent his feelings.

On 24 July 1775, Adams wrote letters to Abigail and to his longtime friend and political ally James Warren. Writing to Warren, he mocked the petition, deriding Dickinson as "a certain great Fortune and piddling Genius ... [who] has given a silly cast to our whole Doings" – though he was careful not to mention Dickinson's name. To warn Warren not to circulate his letter, he began with the phrase "In Confidence." Warren never got the letter, however.¹⁴

Like many contemporaries, Adams aired his feelings in private letters, hoping that those letters would stay confidential. Unfortunately for Adams, his private opinion became disastrously public. Adams prepared a bundle of letters – those he had written to Warren and to Abigail and a letter from Virginia delegate Benjamin Harrison to George Washington – and entrusted them to Benjamin Hichborn, a young Massachusetts law clerk who had begged for the assignment of delivering the letters to prove himself a loyal supporter of the Revolution. As he tried to cross Narragansett Bay, however, the British captured him and the bundle of letters. Draper's *Massachusetts Gazette* published the letters on 17 August 1775; those letters also saw print in London that September.

The publication of Adams's letters, with his quotable strictures on Dickinson, made his words common knowledge. Insulted, Dickinson and his allies in Congress ostracized Adams for

weeks. The resulting political difficulties plaguing Adams induced him to mock himself in later years as “obnoxious, suspected, and unpopular.”¹⁵ The reality was mixed. True, Adams had a reputation for being contentious – one reason why he had reined himself in during the First Continental Congress in 1774. Even so, he had established himself as an able, tireless advocate with extensive knowledge of the British constitution. His colleagues in Congress respected him because of his energy and his willingness to serve on dozens of committees; they valued his capacity for hard legislative work. Whatever resentment turned some against him, he was prepared to survive it and to put it behind him. Only later did he brood on his unpopularity.

For Adams, the American crisis had troubling effects on the rule of law, which as a man of law he sought to uphold. During a visit home in 1775, he had an encounter that he recorded in his *Autobiography*. This incident posed in dramatic terms the conflict between how he saw the Revolution and how some of his neighbors understood the matter:

...I met a Man who had sometimes been my Client, and sometimes I had been against him. He, though a common Horse jockey, was sometimes in the right, and I had commonly been successfull in his favour in our Courts of Law. He was always in the Law, and had been sued in many Actions, at almost every Court. As soon as he saw me, he came up to me, and his first Salutation to me was "Oh! Mr. Adams what great Things have you and your Colleagues done for Us! We can never be gratefull enough to you. There are no Courts of Justice now in this Province, and I hope there never will be another!" ... Is this the Object for which I have been contending? said I to myself, for I rode along without any Answer to this Wretch. Are these the Sentiments of such People? And how many of them are there in the Country? Half the Nation for what I

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know: for half the Nation are Debtors if not more, and these have been in all Countries, the Sentiments of Debtors.¹⁶

Adams also found himself pondering in the context of the Revolution the claims of those who were not debtors. On 31 March 1776, Abigail wrote a lively letter, giving him advice about framing new codes of laws:

I long to hear that you have declared an independancy—and by the way in the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Laidies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.¹⁷

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Adams at first answered Abigail's suggestion with heavy-handed humor. On 14 April, he told her of his surprise that, beyond apprentices revolting against their masters, students against their teachers and professors, "Indians [against] their Guardians," and slaves against their masters, "another Tribe more numerous and powerfull than all the rest were grown discontented..." Joking that men's privileges were not absolute, he added: "Depend upon it, We know better than to repeal our Masculine systems. Altho they are in full Force, you know they are little more than Theory. We dare not exert our Power in its full Latitude. We are obliged to

go fair, and softly, and in Practice you know We are the subjects. We have only the Name of Masters...” He concluded by blaming the British for inciting such a rebellion.¹⁸

This exchange has become famous in the history of American feminist thought; later critics credit Abigail’s far-sightedness and criticize John’s sexist inability to follow her. Even so, it is rarely noted that Abigail’s letter had at least a brief impact on John’s thinking. On 26 May 1776, in a letter to his friend and political ally James Sullivan, Adams sought to counter some of Sullivan’s ideas about voting and representation: “Whence arises the Right of the Men to govern Women, without their Consent?”¹⁹

Abigail’s correspondence with John reminded him of how much he missed his family, of how ardently he wanted to return to them, and of how the competing pressures of serving in Congress and helping to run a revolution kept him in Philadelphia. Writing to her on 15 April 1776, he explained the importance of the work he was doing and how his family should see it:

I will not bear the Reproaches of my Children. I will tell them that I studied and laboured to procure a free Constitution of Government for them to solace themselves under, and if they do not prefer this to ample Fortune, to Ease and Elegance, they are not my Children, and I care not what becomes of them. They shall live upon thin Diet, wear mean Cloaths, and work hard, with Chearfull Hearts and free Spirits or they may be the Children of the Earth or of no one, for me.²⁰

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Beginning in the fall of 1775, John Adams turned his attention to restoring “a free Constitution of Government” for the colonies. He was responding to a growing atmosphere of domestic crisis. In late 1775 and early 1776, royal governors fled their colonial posts, often after

dissolving colonial legislatures. The collapse of these governments left a void of legitimate authority in the colonies. Because Americans stressed legitimacy as a constitutional value, they saw the lack of legitimate government as a serious issue. Mere power was not enough; for a government to have authority (lawful power), it had to have both actual power *and* a source of legitimacy justifying its power. True, the dissolved colonial legislatures had reassembled as provincial congresses and conventions, seeking to preserve continuity of governance and responsiveness to the crises of the Revolution, but even so, they knew that they lacked legitimacy. They were self-appointed legislative bodies; they had not been elected to perform the tasks they were undertaking and they were not governed by any authoritative constitutional rules beyond those in the obsolete colonial charters.

Frantic to restore legitimate government, many American politicians turned for advice to John Adams, whom they regarded as an expert constitutional thinker. Such politicians as James Warren of Massachusetts, William Hooper and John Penn of North Carolina, Jonathan Dickinson Sergeant of New Jersey, and Richard Henry Lee and George Wythe of Virginia beseeched him for advice. Hoping to provide a solution, he devoted himself to the question for months, sending out letter after letter. As the requests for advice kept pouring in, Adams tired of copying and recopying the same letter. He had to publish. In April 1776, he penned an anonymous pamphlet, *Thoughts on Government*.

Eager to share his labors with Abigail, Adams sent her a copy of *Thoughts on Government*. In her response, Abigail pretended that she did not know who had written the pamphlet but hinted that she deduced the author's identity, was pleased with the pamphlet, and got his main point:

I this day Received yours of the 20 of April accompanied with a Letter upon Goverment.

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Upon reading it I some how or other felt an uncommon affection for it; I could not help thinking it was a near relation of a very intimate Friend of mine. If I am mistaken in its descent, I know it has a near affinity to the Sentiments of that person, and tho I cannot pretend to be an adept in the art of Goverment; yet it looks rational that a Goverment of Good Laws well administerd should carry with them the fairest prospect of happiness to a community, as well as to individuals.²¹

Adams offered in *Thoughts on Government* a terse, eloquent manual for devising state constitutions.²² Extolling “the divine science of politicks” and counseling that “good government, is an empire of Laws,”²³ Adams argued that republican government was the only way for Americans to preserve their liberties. To this end, he prescribed a design for a written constitution creating a legislature having two houses, balanced by an independent governor with ample powers. Acknowledging that different colonies might have different political values, he made his proposals in *Thoughts on Government* adaptable to different colonies. Those that were less democratic (for Adams, less like the New England colonies) could tailor his suggestions to their situation – for example, having the governor elected by the legislature instead of by the people. At the pamphlet’s close, Adams sought to present the quest for legitimate constitutional government within a larger perspective framed by the context of the Age of Enlightenment:

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You and I, my dear Friend, have been sent into life, at a time when the greatest law-givers of antiquity would have wished to have lived. How few of the human race have ever enjoyed an opportunity of making an election of government more than of air, soil,

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or climate, for themselves or their children. When! Before the present epocha, had three millions of people full power and a fair opportunity to form and establish the wisest and happiest government that human wisdom can contrive.²⁴

Thoughts on Government answered the calls of Adams's contemporaries for advice about creating legitimate government. It also presented Adams's response to a rival model of constitutional government presented by Thomas Paine in *Common Sense*, published in January 1776. Paine's eloquent pamphlet made a powerful case for American independence. It rejected monarchy as illegitimate, severing the last tie linking the colonists to the mother country, their loyalty to the British crown. Paine also assailed the folly of empire and justified the practicalities of independence. He demonstrated how absurd it was for a continent to be ruled by an island; insisted that the colonies could and should claim and win their independence; and argued that, because liberty itself was at risk, an independent America was liberty's only refuge in the world. Finally, he offered a sketch of what he endorsed as the basic forms of American government at the state level and at the interstate level.

Though Adams admired Paine's case for American independence, he scorned the last part of *Common Sense* presenting Paine's prescription for new forms of American government. Paine rejected checks and balances and separation of powers as mystifications imposed by aristocrats and lawyers on the people; he argued that the people never would violate their own liberties. The core of his design for government was a one-house assembly, which could create executive and judicial institutions when necessary. Adams dismissed Paine's arguments as contrary to the lessons of history and human nature. Writing to Abigail on 19 March 1776, he observed of *Common Sense*, "This Writer has a better Hand at pulling down than building.... [He] seems to

have very inadequate Ideas of what is proper and necessary to be done, in order to form Constitutions for single Colonies, as well as a great Model of Union for the whole.” Indeed, John assured Abigail, “It has been very generally propagated through the Continent that I wrote this Pamphlet. But altho I could not have written any Thing in so manly and striking a style, I flatter myself I should have made a more respectable Figure as an Architect, if I had undertaken such a Work.”²⁵

Adams recalled in his *Autobiography* that he and Paine argued vehemently, face-to-face, about the conflict between *Common Sense* and *Thoughts on Government*. According to Adams, Paine denounced him for publishing *Thoughts on Government* precisely because it clashed with Paine’s views in *Common Sense*.²⁶ This would be only the first of several conflicts between the two men.

Ironically, Adams’s and Paine’s ideas about new forms of government did coincide on one point. Despite Adams’s comment to Abigail to the contrary, the prescriptions for *American* government in both pamphlets paralleled each other. Both *Common Sense* and *Thoughts on Government* proposed an American Congress as the sole institution of a new government for the United States, with power to deal only with affairs of the entire alliance. Neither Paine nor Adams considered whether such a government should have power over individual Americans or power to check the states. In other words, neither man saw the need to explore issues of federalism, let alone its significance for the American constitutional experiment. Further, neither Paine nor Adams discussed the relevance of or need for checks and balances or separation of powers at the national or American level. That issue did not arise until the late 1780s, when the effort to ratify the U.S. Constitution as a successor to the Articles of Confederation became the dominant American political issue. By that time, Adams insisted that separation of powers and

checks and balances were indispensably necessary ingredients of all successful constitutional governments at all levels. Paine remained convinced that such things were devices deliberately adopted to render constitutional government too complicated for ordinary people to understand.

In May 1776, as *Thoughts on Government* circulated beyond Philadelphia and Boston, Adams continued to focus on independence's constitutional and political dimensions. Dominating his thinking were political ideas rooted in Anglo-American constitutionalism as informed by classical political thought going back to Aristotle and Polybius. Adams persisted in connecting the challenge of independence to previous experiments in politics and government.

On occasion, as in *Thoughts on Government*, he seemed to endorse what later generations have called American exceptionalism, the idea that Americans were different from other peoples in ways that mattered for their experiments in government. Adams, however, was more realistic than devotees of American exceptionalism. Adams argued only for an exceptionalism of *opportunity* – a chance granted to Americans by historical circumstances to create good governments that might become blessings to the rest of the world. Adams never held the view that Americans were inherently different from other peoples – inherently innocent, pure, or uncorrupted; he rejected that view all his life. Instead, he maintained, Americans were subject to the same internal and external forces shaping and corrupting human nature throughout history; he insisted that they still had to guard against falling prey to these dangers.²⁷

In May 1776, deciding that he had to build on the foundation that he had laid in *Thoughts on Government*, Adams again took up his pen, but this time as a legislative draftsman. First, he framed a resolution authorizing the colonies to form new state constitutions, which the Second Continental Congress adopted on 10 May 1776. Then he added a preamble, which Congress adopted on 15 May. Adams's preamble offered a powerful argument justifying the resolution's

response to the hostile actions of King George III and Great Britain against the colonies, putting the blame on the king for driving the American colonies to independence:²⁸

Whereas his Britannic Majesty, in conjunction with the Lords and Commons of Great-Britain, has, by a late Act of Parliament, excluded the inhabitants of these United Colonies from the protection of his crown; and whereas no answer whatever to the humble petition of the Colonies, for redress of grievances and reconciliation with Great-Britain, has been or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these Colonies; and whereas it appears absolutely irreconcilable to reason and good conscience for the people of these Colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great-Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the Colonies, for the preservation of internal peace, virtue, and good order, as well as for the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies: Therefore,

Resolved, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinion of the Representatives of the People, best conduce to the happiness and safety of their constituents in particular, and America in general.

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Adams was deeply proud of the preamble; though its lawyerly tone did not make it as inspiring as the Declaration of Independence that Jefferson drafted two months later. The conservative James Duane of New York got Adams's point; he attacked the preamble as "a Machine for the fabrication of Independence." Adams responded (or so he recorded for posterity) "I thought it was independence itself: but We must have it with more formality yet."²⁹

Duane was right, as Adams knew. Congress's authorization directing states to create new governments to replace their old colonial charters did not just restore legitimate government to the American states. Congress's action abrogated kingly authority, partly by turning colonies into states, partly by authorizing the Americans to frame and adopt new forms of government for them. These new forms of government were to be created by and responsible to the people of each state, rather than to the Crown, and they would have no reason to look to the Crown for anything. Congress's action echoed Adams's suggestion in *Thoughts on Government* that legal writs and subpoenas run in the name of the states and their people rather than in the name of the King; that proposal also abrogated royal authority. Not only did the congressional resolution launch what Adams later called "an age of revolutions and constitutions" – it became part of the experiments in government that it called into being. Various states incorporated the text of Congress's May 1776 resolution and its preamble into their new state constitutions, justifying their framing and adoption.³⁰

As the debate on independence spread throughout the thirteen colonies, local and provincial congresses adopted resolutions begging, even demanding, that Congress act on the issue. Congress monitored the growing pressure for independence, while trying not to get too far ahead of the sentiments of ordinary Americans.³¹ Adams also monitored public opinion, while discussing with like-minded colleagues the need to prepare for independence. On 2 June 1776,

answering Henry Knox, a fellow Massachusetts citizen and artilleryman in the field with General Washington, Adams wrote: “We must for the future Stand upon our own Leggs or fall.”³² Finally, on 8 June 1776, Richard Henry Lee of Virginia returned to Congress and proposed three resolutions approved by the Virginia convention and ordered by them to be recommended to Congress. The first demanded American independence from Great Britain; the second demanded the framing and adoption of articles of union to unite the colonies to enable them to resist Britain; and the third demanded that Congress seek diplomatic alliances with powerful European countries; such alliances, the Virginians hoped, would secure diplomatic support for the American bid for independence, as well as arms, supplies, and funding.

Seizing on Lee’s resolutions, Congress opened the question of independence for full debate. Until this time, various colonies had been hesitant to make common cause with New England; they had argued that the colonial brawl with Great Britain was a matter peculiar to Massachusetts. Virginia’s resolutions, combined with the delegates’ recognition that Britain was bent on subduing all the mainland American colonies by force, made it imperative for Congress to debate independence and the related matters that Lee had raised.

Congress recognized that some formal statement issued under its authority would be needed to end the American constitutional argument with Great Britain and to explain the case for independence to the colonists, to European nations, and to posterity. Congress therefore named a committee to draft such a declaration. Its members included Thomas Jefferson of Virginia, who replaced Lee (who, as the resolutions’ proposer, would have been a member of the committee); Benjamin Franklin of Pennsylvania (the most eminent American in the western world and a key advocate of independence); Philip Livingston of New York (representing a crucial colony from the mid-Atlantic region), and Roger Sherman of Connecticut (a senior figure

in American politics and one of the most respected members of Congress). As a leading advocate of independence, John Adams was a natural choice for the committee.

By this point, Adams and Jefferson had come to know each other as fellow delegates, lawyers, and intellectuals. Long after the fact, Adams wrote in his *Autobiography* an account of his early impressions of Jefferson:

Mr. Jefferson had been now about a Year a Member of Congress, but had attended his Duty in the House but a very small part of the time and when there had never spoken in public: and during the whole Time I satt with him in Congress, I never heard him utter three Sentences together.... It will naturally be enquired, how it happened that he was appointed on a Committee of such importance. There were more reasons than one. Mr. Jefferson had the Reputation of a masterly Pen. He had been chosen a Delegate in Virginia, in consequence of a very handsome public Paper which he had written for the House of Burgesses, which had given him the Character of a fine Writer. Another reason was that Mr. Richard Henry Lee was not beloved by the most of his Colleagues from Virginia and Mr. Jefferson was sett up to rival and supplant him. This could be done only by the Pen, for Mr. Jefferson could stand no competition with him or any one else in Elocution and public debate.³³

In an 1822 letter to Timothy Pickering, Adams noted that Jefferson was “so prompt, frank, explicit, and decisive upon committees and in conversation ... that he soon seized upon my heart.”³⁴ Though this friendship was one of the longest and richest in American history, the two men were notably different from each other; they embodied contrasts of build, temperament,

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and oratory. Jefferson was tall and lanky, whereas Adams was short and stocky. Jefferson was not given to public speaking, whereas Adams was a skilled and frequent orator. Jefferson was a law-office lawyer whose preferred tasks were research and drafting; Adams was a skilled trial lawyer. They used these differences to complement each other in Congress and in later shared responsibilities, forming an able, mutually trusting partnership.

Within the drafting committee, wrangling began over who would draft the Declaration. We have two versions of the final decision – Adams’s version, given in letters and in his *Autobiography*, and Jefferson’s version, given in his *Autobiography*. Adams claimed that he had persuaded Jefferson to draft the Declaration; Jefferson insisted that the entire committee urged him to do it. Whichever version was correct, the reasons that Adams gave to justify his view that Jefferson should be the draftsman probably represent the arguments that Adams made:

Mr. Jefferson desired me to ... make the Draught. This I declined and gave several reasons for declining. 1. That he was a Virginian and I a Massachusettensian. 2. that he was a southern Man and I a northern one. 3. That I had been so obnoxious for my early and constant Zeal in promoting the Measure, that any draught of mine, would undergo a more severe Scrutiny and Criticism in Congress, than one of his composition. 4thly and lastly and that would be reason enough if there were no other, I had a great Opinion of the Elegance of his pen and none at all of my own. I therefore insisted that no hesitation should be made on his part. He accordingly took the Minutes and in a day or two produced to me his Draught.³⁵

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Once Jefferson finished his draft, Adams became Congress's leading advocate both for independence and for Jefferson's Declaration; Jefferson later gratefully recalled that Adams was "our Colossus on the floor."³⁶ Congress cut about a fourth of Jefferson's draft, and in the process greatly improved it in cogency, force, and logical consistency.³⁷ On 2 July 1776, Congress adopted Lee's resolutions. Two days later, after considerable debate, the body adopted its revised version of Jefferson's draft Declaration.

On the night of 2-3 July 1776, exalted by his victory, Adams wrote two letters to Abigail, pouring out a flood of emotions inspired by the events of the day. In his second letter, he declared his faith that the colonies ultimately would win independence:

You will think me transported with Enthusiasm but I am not. -- I am well aware of the Toil and Blood and Treasure, that it will cost Us to maintain this Declaration, and support and defend these States. -- Yet through all the Gloom I can see the Rays of ravishing Light and Glory. I can see that the End is more than worth all the Means. And that Posterity will triumph in that Days Transaction, even altho We should rue it, which I trust in God We shall not.³⁸

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Adams soon became one of the Continental Congress's workhorses, serving on many committees and chairing dozens. In particular, he worked with Benjamin Franklin, John Dickinson, Robert Morris, and Benjamin Harrison V to frame a Model Treaty for the new nation to propose to future allies and trading partners. This plan distilled the idealism that Adams hoped would guide American foreign relations, seeking the goal of free and reciprocal trade among the signing nations while avoiding American entanglement in European affairs.³⁹ Meanwhile,

Adams wrote home to describe to Abigail some of the work that he faced in Congress, including such matters as designing the Great Seal for the United States.⁴⁰ There is no evidence, however, either from the fragmentary evidence of congressional debates on the Declaration or elsewhere, of John Adams speaking or working for the abolition of slavery. Indeed, in 1777 he sought to keep the issue of abolition off the Massachusetts legislature's agenda, and he was indifferent to other states' movements in that direction.⁴¹

In the fall of 1776, Adams traveled with Franklin and Edward Rutledge of South Carolina to Staten Island in New York, to represent Congress in talks with the British naval commander, Admiral Lord Richard Howe. Hoping to hear that Howe was prepared to negotiate a peaceful settlement of the dispute with the mother country, including perhaps recognition of American independence, Adams and his colleagues were disappointed to learn that Howe had neither official permission nor personal inclination to consider independence or to recognize Congress. The talks broke off and never resumed.

On the way to this conference with Howe, when the American delegates reached Brunswick, New Jersey, the inns were so full that Franklin and Adams had to share a tiny room and a bed that almost filled it. The room had one small window, which was open. Adams arose to close it, fearing the effects of the night air. He recalled:

Oh! says Franklin dont shut the Window. We shall be suffocated. I answered I was afraid of the Evening Air. Dr. Franklin replied, the Air within this C[h]amber will soon be, and indeed is now worse than that without Doors: come! Open the Window and come to bed, and I will convince you: I believe you are not acquainted with my Theory of Colds. Opening the Window and leaping into Bed, I said I had read his Letters to Dr. Cooper in

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which he had advanced, that, that Nobody ever got cold by going into a cold Church, or any other cold Air: but the Theory was so little consistent with my experience, that I thought it a Paradox: However I had so much curiosity to hear his reasons, that I would run the risque of a cold. The Doctor then began an harangue, upon Air and cold and Respiration and Perspiration, with which I was so much amused that I soon fell asleep, and left him and his Philosophy together...

Adams continued with a sketch of what he dimly remembered Franklin's theory to be, as well as his continuing skepticism about it, but he also noted that Franklin, like him, soon drifted off to sleep in mid-harangue.⁴²

Some aspects of Congress filled Adams with hope, but often he nearly boiled over with exasperation at Congress's slow, uncertain pace. Having stomached congressional dilatoriness for nearly three years, Adams's patience was on the verge of snapping. He concluded that his colleagues seemed warlike, timorous, daring, and disorganized, all at once; they breathed fire against Britain while failing to take the actions needed to organize and direct American war efforts. Sometimes, also, Adams shared the impatience of some delegates in Congress with the war's slow progress and the caution of General Washington, the Continental Army's commander-in-chief. Always, just under the surface of his thoughts was his desire to withdraw from Congress and return to Braintree and his family. In April 1777, he exploded to Abigail:

Is it not intollerable, that the opening Spring, which I should enjoy with my Wife and Children upon my little Farm, should pass away, and laugh at me, for labouring, Day

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after Day, and Month after Month, in a Conclave, Where neither Taste, nor Fancy, nor Reason, nor Passion, nor Appetite can be gratified?

Posterity! You will never know, how much it cost the present Generation, to preserve your Freedom! I hope you will make a good Use of it. If you do not, I shall repent in Heaven, that I ever took half the Pains to preserve it.⁴³

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That spring, Abigail had had to write a gentle reproof to John for having sent a bundle of letters home but omitting one for his youngest son, Thomas Boylston Adams: "It would have grieved you if you had seen your youngest Son stand by his Mamma and when she delivered out to the others their Letters, he inquired for one, but none appearing he stood in silent grief with the Tears running down his face, nor could he be pacified till I gave him one of mine.—Pappa does not Love him he says so well as he does Brothers..."⁴⁴ No sooner did John receive this letter than he wrote a special one to "Mr Thomas Adams Braintree":

My dear Son Thomas

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The only Reason why I omitted to write you when I wrote to your Brothers, was because I thought you was as yet too young to be able to read Writing, not because I had less Affection for you than for them: for you may rely upon it, you have as great a share in your Fathers Esteem and Affection as any of his Children.

I hope you will be good and learn to read and write well, and then I shall take a Pride and Pleasure in your constant Correspondence. Give my Love to your Mamma, your worthy Sister, and Brothers, and to all the rest of the Family.

Pray, when you write me a Letter, let me know how many Calves are raising, how many Ducks and Geese, and how the Garden looks. I long to take a Walk with you to see them, and the green Meadows and Pastures. I am your Father,

John Adams⁴⁵

In the first half of 1777, Abigail not only had to run the family farm and take care of four children – she was pregnant for the sixth time. She tried to keep John reassured about her health, as when she began one letter on 2 July: “I sit down to write you a few lines this morning as I am loth the post should go, without telling you that I am well, as usual. Suppose you will be more anxious for me this month than common.”⁴⁶ A week later, however, she had to report,

I sit down to write you this post, and from my present feelings tis the last I shall be able to write for some time if I should do well. I have been very unwell for this week past, with some complaints that have been new to me, tho I hope not dangerous.

I was last night taken with a shaking fit, and am very apprehensive that a life was lost. As I have no reason to day to think otherways; what may be the consequences to me, Heaven only knows. I know not of any injury to myself, nor any thing which could occasion what I fear.

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I would not Have you too much allarmd. I keep up some Spirits yet, tho I would have you prepaired for any Event that may happen.

I can add no more than that I am in every Situation unfeignedly Yours, Yours.⁴⁷

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From Philadelphia, John wrote, mingling empathy, anguish, and concern: “Oh that I could be near, to say a few kind Words, or shew a few Kind Looks, or do a few kind Actions. Oh that I could take from my dearest, a share of her Distress, or relieve her of the whole.”⁴⁸ John was no stranger to hearing of his wife’s and family’s travails when he was far from home and unable to help – but the potential loss of the baby, ending their last attempt to have a child, brought things home to him in a particularly devastating way.

On 16 July, Abigail wrote to John to convey the sad news that, although she survived the delivery of the child on 11 July, Elizabeth was indeed stillborn. Abigail wrote that she had set her heart upon a second daughter, and that their daughter Abigail was deeply distraught, but she also assured him that she was recovering from the heartbreak of this loss: “So short sighted and so little a way can we look into futurity that we ought patiently to submit to the dispensation of Heaven.” She wanted him to know that she was recovering her strength: “I However feel myself weakend by this exertion, yet I could not refrain [from] the temptation of writing with my own Hand to you.”⁴⁹

When John received the news of Elizabeth’s stillbirth, after having written three letters expressing anxious hopes for the safe birth of a daughter, he wrote to express gratitude for Abigail’s good health and sorrow for Elizabeth:

Is it not unaccountable, that one should feel so strong an Affection for an Infant, that one has never seen, nor shall see? Yet I must confess to you, the Loss of this sweet little Girl, has most tenderly and sensibly affected me. I feel a Grief and Mortification, that is heightened tho it is not wholly occasioned, by my Sympathy with the Mother. My dear little Nabbys Tears are sweetly becoming her generous Tenderness and sensibility of Nature. They are Arguments too of her good sense and Discretion.⁵⁰

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The separations of John and Abigail caused them worry and pain. At one point, John wrote sadly, "Poor, unhappy I! who have never an opportunity to share with my Family, their Distresses, nor to contribute in the least degree to relieve them! I suffer more in solitary silence, than I should if I were with them."⁵¹ And yet their ability to express themselves openly and eloquently showed the possibilities of intimacy and trust that they found in the written word, and in fragile envelopes carrying anxiously written pages between Braintree and Philadelphia.⁵²

In the meantime, Adams had impressed his colleagues with his careful study of the problems facing the United States, particularly on the world stage.⁵³ Based on his contributions to congressional debates on European affairs and the challenges facing the new nation, Congress chose him as one of the first diplomats to represent the United States abroad.

Adams accepted the mission, but the news filled him with uneasiness, because he had just managed to return home for some rare time with his wife and children and because the hazards of a trans-Atlantic voyage in time of war alarmed him. Still, driven by his duty to his country, Adams agreed – though he waited a day before writing his letter of acceptance. Then he broke the news to Abigail. After some discussion whether she and the children should accompany him, the couple reached a difficult decision: Abigail and three of their children would remain in

Braintree, but John Quincy Adams, ten years old, would go with his father. On 13 February 1778, father and son boarded the frigate *Boston*, which sailed for Europe two days later. For both John and John Quincy, a new stage of their education was beginning.

NOTES

¹ Harry M. Ward, *The United Colonies of New England, 1643-90* (New York: Vantage Press, 1961); Harry M. Ward, *"Unite or Die": Intercolony Relations, 1690-1763* (Port Washington, NY: Associated Faculty Press, Inc., 1971); Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis*, 3d edition (1955; Chapel Hill, NC: University of North Carolina Press for Omohundro Institute of Early American History and Culture, 1991).

² Jack N. Rakove, *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (New York: Alfred A. Knopf, 1979), 21-62; Edmund Cody Burnett, *The Continental Congress* (New York: Macmillan, 1941; Norton pbk., 1964), 33-59; Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill: University of North Carolina Press for Omohundro Institute of Early American History and Culture, 2018).

³ John Fea, *Was America Founded as a Christian Nation?* (revised edition) (Westminster, MD: John Knox Press, 2016), 122.

⁴ John Adams to Abigail Adams, 8 September 1774, AFPEA/MHS.

⁵ The ancestor group for the *Novanglus* essays is <https://founders.archives.gov/ancestor/ADMS-06-02-02-0072>. Two excellent discussions of the *Novanglus-Massachusettensis* essays are Joseph A. Dowling, "John Adams vs. Daniel Leonard: 'Novanglus' Opposes 'Massachusettensis,'" in Lawrence H. Leder, ed., *The Colonial Legacy, Volume II: Some Eighteenth-Century Commentators* (New York: Harper & Row, 1971), 181-202; and Albert Furtwangler, *American Silhouettes: Rhetorical Identities of the Founders* (New Haven, CT: Yale University Press, 1987), 35-63; Ryerson, *Republic*, chapter 5, for a contextualized discussion.

⁶ "V. To the Inhabitants of the Colony of Massachusetts-Bay, 20 February 1775," FO/NA.

⁷ Ray Raphael and Marie Raphael, *The Spirit of '74: How the American Revolution Began* (New York: The New Press, 2015); Ray Raphael, *The First American Revolution: Before Lexington and Concord* (New York: The New Press, 2002).

⁸ David Hackett Fischer, *Paul Revere's Ride* (New York: Oxford University Press, 1994); Robert A. Gross, *The Minutemen and Their World* (New York: Hill and Wang, 1976; 25th anniversary edition, 2001).

⁹ Letter from Abigail Adams to John Adams, 18 - 20 June 1775, AFPEA/MHS. Christian Di Spigna, *Founding Martyr: The Life and Death of Dr. Joseph Warren, the American Revolution's Lost Hero* (New York: Crown, 2018).

¹⁰ Joseph J. Ellis, *His Excellency: George Washington* (New York: Alfred A. Knopf, 2004), 68-69, and 289 n49 on the conflict of authorities. Edward G. Lengel, *General George Washington: A Military Life* (New York: Random House, 2005), and Robert Middlekauff, *Washington's Revolution: The Making of America's First Leader* (New York: Alfred A. Knopf, 2015), focus on Washington's decision to accept the command without mentioning Adams's claimed efforts to secure the command for him. David McCullough, *John Adams* (New York: Simon & Schuster, 2001), 27-28, accepts Adams's view.

¹¹ The text of the Olive Branch Petition, from the *Journals of Congress* edited by Worthington Chauncey Ford, appears online at http://avalon.law.yale.edu/18th_century/contcong_07-08-75.asp.

¹² Henry St. John, Viscount Bolingbroke (David Armitage, ed.), *Bolingbroke: Political Writings* (Cambridge, Eng., and New York: Cambridge University Press, 1997), 217-294 (originally published 1738). On Adams's lifelong reading of Bolingbroke, Zoltan Haraszti, *John Adams and the Prophets of Progress* (Cambridge, MA: Harvard University Press, 1952), 49-79.

¹³ Jane Calvert, *Quaker Constitutionalism and the Political Thought of John Dickinson* (Cambridge, Eng., and New York: Cambridge University Press, 2009), esp. 233-234 on the petition.

¹⁴ "From John Adams to James Warren, 24 July 1775," FO/NA.

- ¹⁵ For example, "From John Adams to Timothy Pickering, 6 August 1822," FO/NA. [Early Access document]
- ¹⁶ John Adams autobiography, part 1, "John Adams," through 1776, sheet 21 of 53 [electronic edition]. AFPEA/MHS.
- ¹⁷ Abigail Adams to John Adams, 31 March 1776. AFPEA/MHS.
- ¹⁸ John Adams to Abigail Adams, 14 April 1776. AFPEA/MHS.
- ¹⁹ John Adams to James Sullivan, 26 May 1776. AFPEA/MHS.
- ²⁰ John Adams to Abigail Adams, 15 April 1776. AFPEA/MHS.
- ²¹ Abigail Adams to John Adams, 9 May 1776. AFPEA/MHS.
- ²² "III. Thoughts on Government, April 1776," FO/NA. Ryerson, *Republic*, chapter 6, for a contextualized discussion; Howe, 80ff.
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ John Adams to Abigail Adams, 19 March 1776. AFPEA/MHS.
- ²⁶ "[In Congress, Spring 1776, and Thomas Paine]," FO/NA. For a discussion taking Paine's part, Jett B. Conner, *John Adams vs. Thomas Paine: Rival Plans for the Early Republic (Journal of the American Revolution Books)* (Yardley, PA: Westholme Publishing, LLC, 2018), *passim*. Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976; exp. edition, 2001), esp. 120-123, offers a nuanced and thoughtful approach.
- ²⁷ On American exceptionalism, Godfrey Hodgson, *The Myth of American Exceptionalism* (New Haven, CT: Yale University Press, 2009) (skeptical assessment); Seymour Martin Lipset, *American Exceptionalism: A Double-Edged Sword* (New York: W. W. Norton, 1996) (more favorable view).
- ²⁸ "V. Preamble to Resolution on Independent Governments, 15 May 1776," FO/NA. Ryerson, *Republic*, 184, 187.
- ²⁹ John Adams autobiography, part 1, "John Adams," through 1776, sheet 35 of 53. AFPEA/MHS.
- ³⁰ "From John Adams to James Lloyd, 29 March 1815," FO/NA. [Early Access document].
- ³¹ Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997; pbk, with corrections, Vintage Books, 1998), esp. chapters I and II.
- ³² "From John Adams to Henry Knox, 2 June 1776," FO/NA.
- ³³ John Adams autobiography, part 1, "John Adams," through 1776, sheet 24 of 53. AFPEA/MHS. On their friendship, Lester J. Cappon, ed., *The Adams Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and John and Abigail Adams*, 2 vols. (Chapel Hill: University of North Carolina Press for Institute for Early American History and Culture, 1959), *passim*; Merrill D. Peterson, *Adams and Jefferson: A Revolutionary Dialogue* (Athens, GA: University of Georgia Press, 1976); and Gordon S. Wood, *Friends Divided: John Adams and Thomas Jefferson* (New York: Penguin Press, 2017).
- ³⁴ "From John Adams to Timothy Pickering, 6 August 1822," FO/NA. [Early Access document.]
- ³⁵ John Adams autobiography, part 1, "John Adams," through 1776, sheet 24 of 53. AFPEA/MHS.
- ³⁶ Daniel Webster, "Eulogy Pronounced at Boston, Massachusetts, August 2, 1826..." in *A Selection of Eulogies Pronounced in the Several States, in Honor of Those Illustrious Patriots and Statesmen, John Adams and Thomas Jefferson* (Hartford, CT: D. F. Robinson and Co., 1826), 212, quoted in Wood, *Friends Divided*, 106.
- ³⁷ Maier, *American Scripture*, 97-153.
- ³⁸ John Adams to Abigail Adams, 3 July 1776, "Had a Declaration...." AFPEA/MHS.
- ³⁹ "III. Plan of Treaties as Adopted (with Instructions), 17 September 1776," FO/NA. Two excellent commentaries are Gregg L. Lint, "John Adams and the 'Bolder Plan,'" in Richard Alan Ryerson, ed., *John Adams and the Founding of the Republic* (Boston: Massachusetts Historical Society/Northeastern University Press, 2001), 105-114; Gregg L. Lint, "John Adams on the Drafting of the Treaty Plan of 1776," *Diplomatic History* 2:3 (1 July 1978): 313-320.
- ⁴⁰ John Adams to Abigail Adams, 14 August 1776. AFPEA/MHS.
- ⁴¹ Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge, MA: Harvard University Press, 2006), 93-95.
- ⁴² John Adams autobiography, part 1, "John Adams," through 1776, sheets 43-44 of 53, AFPEA/MHS.
- ⁴³ John Adams to Abigail Adams, 26 April 1777. AFPEA/MHS.
- ⁴⁴ Abigail Adams to John Adams, April 1777. AFPEA/MHS.
- ⁴⁵ "John Adams to Thomas Boylston Adams, 6 May 1777," FO/NA.]

⁴⁶ Abigail Adams to John Adams, 2 July 1777. *AFPEA* /MHS.

⁴⁷ Abigail Adams to John Adams, 9 July 1777. *AFPEA*/MHS.

⁴⁸ John Adams to Abigail Adams, 10 July 1777, *AFPEA*/MHS.

⁴⁹ Abigail Adams to John Adams, 16 July 1777. *AFPEA*/MHS.

⁵⁰ John Adams to Abigail Adams, 28 July 1777, *AFPEA*/MHS.

⁵¹ John Adams to Abigail Adams, 26 July 1777. *AFPEA* /MHS.

⁵² Edith Gelles, *Abigail and John: Portrait of a Marriage* (New York: William Morrow, 2009).

⁵³ See, e.g., "[Memorandum of Measures to Be Pursued in Congress, February? 1776.], " *FO*/NA; John Adams, "Notes on Relations with France," March-April 1776, *FO*/NA.

CHAPTER FIVE

“May the Design of my Voyage be answered”:

Revolutionary Diplomat, Polemicist, and Constitution-Maker

(1778-1783)

For John Adams, the American Revolution fell into three parts. From 1765 to 1774, he emerged as a Revolutionary advocate. From 1774 to 1777, he was indispensable as a member of the Continental Congress and as a key participant in the debates on independence. By contrast, he found 1778 to 1783, his time as an American revolutionary diplomat, deeply painful. He savored only one interlude, in 1779, when he returned to Massachusetts and immersed himself in constitution-making. Otherwise, though his efforts helped to secure the Netherlands as an ally for the United States and provided needed funding for the Confederation Congress, his diplomatic service left him sad and bitter -- about the French, Congress, and a man whom he had once esteemed, Benjamin Franklin.

Adams's experience of the Revolution abroad vexed him. His quest to redeem himself from attacks aimed at him during that time overshadowed the rest of his life. Spurring his quest for redemption was his anxiety that he would be denied recognition for his diplomatic labors and would be blamed for sins that were not his. Even so, he found that time so painful that, as an old man writing his *Autobiography* decades later, he stopped writing just as he got to the part dealing with his second mission to Europe.

In late 1777, the Continental Congress gave Adams his first diplomatic assignment, hoping not just to benefit from his expertise but also to solve a problem caused by sectional politics. In 1776, Congress had sent Silas Deane of Connecticut, Arthur Lee of Virginia, and Benjamin Franklin of Pennsylvania to France to negotiate a treaty of alliance; instead, the American diplomats exploded in recrimination. Suspicious and distrustful, Lee accused Deane of corruption and, when Franklin defended Deane, Lee attacked him as well. These wrangles tracked fault lines dividing sectional groups of delegates in Congress; a dispute at home would have consequences abroad, and a dispute abroad would roil congressional waters at home. Congress had chosen a geographically balanced delegation to accommodate sectional divisions.¹ Thus, after recalling Deane, Congress chose Adams, another New Englander, to replace him.²

Congress found it hard to choose individuals to represent the United States abroad. Because they had no way to nurture a pool of diplomats, they had to draw on those who were available and willing to go.³ Only Franklin, who had been a colonial agent in Britain and a member of the international scientific community, had well-honed diplomatic skills grounded in experience.⁴ Further, the states composing the United States viewed one another with suspicion, exacerbating how hard it was to present a united front and a coherent diplomatic stance abroad.⁵ Those whom Congress sent to Europe were mostly truculent advocates of American interests with scanty diplomatic skills, like Adams, with a few collegial politicians possessing tact, deference, and the ability to keep silent, like Franklin and John Jay.⁶

John Adams rejected Abigail's plea to accompany him to Europe, urging her to consider the voyage's dangers and his desire not to risk her or their children.⁷ Boarding the U.S. frigate *Boston* on 13 February 1778, John and John Quincy Adams had to wait two days before the ship sailed. The delay gave John a chance to dash off a loving parting note to Abigail:

We shall be soon on Board, and may God prosper our Voyage, in every Stage of it, as much as at the Beginning, and send to you, my dear Children and all my Friends, the choisest of Blessings—so Wishes and prays yours, with an Ardour, that neither Absence, nor any other Event can abate,

John Adams

Johnny sends his Duty to his Mamma and his Love to his sister and Brothers. He behaves like a Man.⁸

The *Boston* endured a harrowing trans-Atlantic voyage of six weeks, during which father and son explored the world of calculus and pored over French books to perfect their command of the language. They also witnessed a naval engagement with a British warship that failed to capture their vessel; they saw a ship's officer die of his wounds, after John Adams had to hold the wounded man in his arms as the ship's surgeon amputated his leg. On 30 March, Adams showed his anxiety about the challenge facing him, writing in his diary, "May the Design of my Voyage be answered."⁹

The *Boston* landed at Bordeaux on 1 April. After eight days' travel across France, the Adams party reached Passy, just outside Paris, where Franklin opened his home to them. Adams learned that on 6 February, a week before he and his son had sailed, Franklin had persuaded the French to recognize U.S. independence and had negotiated a treaty of alliance with France; Franklin had capitalized on the Continental Army's defeat of the British general John Burgoyne at Saratoga in October 1777. Though Adams welcomed Franklin's achievement, the knowledge

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that Franklin had made his trip to France unnecessary vexed him. No longer having a mission, he worked to establish a role for himself in Paris. He organized the American mission's paperwork and finances,¹⁰ acted as its chronicler to update Congress and the nation on European developments, and provided a needed third vote to break deadlocks between Franklin and Lee, who detested each other.

Adams equated the obligations of a diplomat to his country with those of an attorney to his client – zealous representation. A diplomat, however, differed from a lawyer in two respects. First, diplomacy only sometimes required an adversary stance; second, diplomatic negotiations, unlike trials, lacked a presiding judge to warn a diplomat to step back. Further, Adams was too aware of the war at home to be comfortable abroad. He knew that his family was living in a nation at war; his anxiety for their safety dramatized for him America's plight. He wrote constantly to Abigail, and she wrote constantly to him, but the difficulties of getting letters across the Atlantic misled each that the other was not writing. For example, Abigail wrote on 18 June 1778:

At length my anxiety is relieved and the happy happy tidings of your arrival and safety in France has reachd my Ears and blessd my Eyes. By an English paper taken in a prize and carried into Salem, under the Paris News there is mention made of my Dearest Friends arrival at the abode of the venerable Dr. Frankling. -- What have I not suffered for this month past? The Fear of your being finally lost daily encreased upon my mind, for not the least inteligence could be procured with regard to the Boston save what our Enemies told us that she was taken and carried into England. My anxious Friends by their endeavours to console me plainly discoverd their own fears, upon this occasion, but my

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joy is great in receiving the constant and repeated congratulations of my Friends, and in seeing the unfeigned joy of the countenances of all I meet. The vessel was in general given up as taken or lost.¹¹

Adams worked to make himself an effective diplomat. Exacerbating his insecurities were his awe of Europe and his intimidation at representing the United States in the center of the western world; work helped to keep those insecurities in check. Even so, though Adams's ability to argue proved of great value when he wrote essays as an advocate for the American cause to influence a European readership, his polemical talents did not include the indirect approach, the soft voice, or a sense of knowing (like a lawyer in court) when to stop arguing.

Though he tried to get used to French habits, modes of conversation, and mores, Adams found that challenge embarrassing. For example, on 2 April 1778, the day after his arrival, he attended a dinner at Bordeaux, where a young, attractive lady asked him through an interpreter, "Mr. Adams, by your Name I conclude you are descended from the first Man and Woman, and probably in your family may be preserved the tradition which may resolve a difficulty which I could never explain. I never could understand how the first Couple found out the Art of lying together?" Stunned, Adams declared, with "Ironical Gravity":

Madame My Family resembles the first Couple both in the name and in their frailties so much that I have no doubt We are descended from that in Paradise. But the Subject was perfectly understood by Us, whether by tradition I could not tell: I rather thought it was by Instinct, for there was a Physical quality in Us resembling the Power of Electricity or

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of the Magnet, by which when a Pair approached within a striking distance they flew together like the Needle to the Pole or like two Objects in electric Experiments.

On hearing his answer translated, the young woman answered, “Well I know not how it was, but this I know it is a very happy Shock.” In his *Autobiography*, Adams noted that this story was comparatively decent, unlike so many he had heard in France; he warned posterity against importing French manners into America.¹²

As he had when they served in Congress, Adams worked well with Franklin; he acquired his sour view of Franklin only gradually, after his return to diplomatic service in 1780.¹³ Nonetheless, Adams never could understand Franklin’s forays into French society. Franklin charmed the French aristocracy at dinner parties and soirees, always seeking to further the American cause. The effectiveness of Franklin’s indirect strategy escaped Adams.

To get Adams used to diplomacy by other means, and to make him comfortable in French society, Franklin included him in social occasions. At first, Adams appreciated Franklin’s generosity and enjoyed himself. Still, partying and consorting with ladies struck the lawyerly diplomat as a poor way to get the French to take their American ally seriously. American fortunes in the war suffered in 1778 and 1779, and the French struck him as too indifferent to the United States to provide necessary support. Adams brooded over what he saw as Franklin’s undue deference to the French and his slipshod administration of American affairs.

At first, Adams welcomed the French-American treaty. He spurned rumored British overtures to persuade the United States to make a separate peace, equating “Departing from the Treaty [with] ... violating the public Faith.”¹⁴ And yet his own inclinations and his observation of Franklin’s willingness to accommodate the French caused him increasing concern. Bringing a

litigator's mindset to diplomacy, Adams wanted to work with the French directly and on paper. Eventually his litigator's approach to Franco-American relations led him to pound the table and to raise his voice – although, during his first mission (1778-79), he confined his doubts about Franklin's style of diplomacy to his diary. For example, Franklin's shaky French surprised him: "Dr. Franklin was reported to speak french very well, but I found ... that he did not speak it, grammatically, and upon my asking him sometimes whether a Phrase he had used was correct, he acknowledged to me, that he was wholly inattentive to the grammar. His pronunciation too ... I soon found was very inaccurate, and some Gentlemen of high rank afterwards candidly told me that it was so confused, that it was scarcely possible to understand him."¹⁵

Adams felt growing skepticism about Franklin and about the French foreign minister, the Comte de Vergennes. Franklin, he complained in his diary, was too lazy, too fond of flattery, insufficiently committed to his diplomatic responsibilities; and too likely to take a pro-French view of the alliance. Adams saw Vergennes as concerned only with French interests, scanting those of the United States. At first, he kept his doubts to himself.

In turn, Vergennes was becoming irked by Adams's insistence that France had to do more to help the United States in the war, such as assigning French vessels to guard American merchant ships crossing the Atlantic. Fueling Vergennes's distrust of Adams were reports from America by Conrad Alexandre Gérard, French minister to the United States, insisting falsely that Adams secretly favored the British. Adams sensed Vergennes's dislike and reciprocated it fully. Further, his background as a New England Protestant predisposed him to share his region's distrust of the Catholic French, though they were allies in the war against Britain.¹⁶ Also, Adams chafed at being overshadowed by Franklin; he found vexing the French tendency to heed Franklin and ignore Adams.¹⁷

John Adams found himself eclipsed in French perceptions even by an Adams who was not in Europe – his cousin Samuel. He noted his indignation in his diary on 11 February 1779: “It being settled that he was not the famous Adams, the Consequence was plain—he was some Man that nobody had ever heard of before —and therefore a Man of no Consequence—a Cypher. And I am inclined to think that all Parties both in France and England—Whiggs and Tories in England—the Friends of Franklin, Deane and Lee, differing in many other Things agreed in this—that I was not the fameux Adams.”¹⁸

Vergennes’s distaste for Adams was not merely personal. Rather, he feared that Adams represented an anti-French party in Congress and that he was scheming to make a separate peace with Britain.¹⁹ At Vergennes’s direction, Gérard lobbied Congress to rescind the three-man commission and name Franklin sole American minister to France, an action that they took on 14 September 1778. Ironically, Adams had proposed the same idea to his cousin Samuel five months before, hoping to cut the legation’s costs. In February 1779, news of Congress’s action reached Passy, with no word of Congress’s intentions regarding Adams.

Adams found Congress’s decision no surprise, but their failure to give him a new assignment, or to order him home, or to say anything at all about him irked him. Deciding that his presence in France served no purpose, Adams sought permission to return home.²⁰ He confided his sense of humiliation to Abigail on 28 February:

The Scaffold is cutt away, and I am left kicking and sprawling in the Mire, I think. It is hardly a state of Disgrace that I am in but rather of total Neglect and Contempt. The humane People about me, feel for my situation they say: But I feel for my Countrys situation. If I had deserved such Treatment, I should have deserved to be told so at least, and then I should have known my Duty.²¹

Wearying of public service and missing his family, Adams decided that he would retire not only from diplomacy but also from public life. On 20 February 1779, he wrote to Abigail: “The Congress I presume expect that I should come home, and I shall come accordingly. As they have no Business for me in Europe I must contrive to get some for myself at home. -- Prepare yourself for removing to Boston into the old House -- for there you shall go, and there, I will draw Writs and Deeds, and harrangue jurys and be happy.”²² On 13 February 1779, Abigail wrote John, gently scolding him for his seeming failure to write and explaining that her complaints grew out of her concern for him: “You chide me for my complaints, when in reality I had so little occasion for them. I must intreat you to attribute it to the real cause -- an over anxious Solicitude to hear of your welfare, and an ill grounded fear least multiplicity of publick cares, and avocations might render you less attentive to your pen than I could wish.”²³ As John wrestled with deciding what to write home, fearing lest British authorities intercept and publish his letters, Abigail struggled with her need to have news of John and her wish to ease his spirits.

Finally, on 8 March 1779, having received congressional permission, he and John Quincy left Paris. From Lorient, they sailed on 17 June aboard the French frigate *Le Sensible*, arriving in Boston on 3 August after a voyage much calmer and easier than their trip to Paris had been. Within a week of his return, Adams plunged again into work – but this time it was work dear to his heart, that of creating a constitution for his home state.²⁴

Independence had required the thirteen rebelling states to replace their colonial charters with new constitutions; Adams had spurred this effort with his April 1776 pamphlet *Thoughts on Government* and with the resolution and preamble that he drafted for Congress in May.²⁵ Massachusetts’s search for a new constitution began in the fall of 1776, when the state’s

legislature asked the town meetings to empower it to write a constitution. The towns rejected the idea; Concord argued that “a Constitution [made and] alterable by the Supreme Legislature is no security at all to the Subject against any Encroachment of the Governing part on any or all of their Rights & privileges.”²⁶ Lexington urged (Pittsfield agreed) that the constitution be framed by a convention and submitted to “the Inhabitants, as Towns, or Societies, to express their Approbation, or the contrary.”²⁷

On 4 April 1777, the General Court announced that the legislature chosen at the next election would be authorized to frame a new constitution, ignoring Concord’s recommendation; the legislature agreed (paralleling Lexington’s and Pittsfield’s recommendations) that the proposed constitution would go to the town meetings for acceptance or rejection. In the spring of 1778, the legislature sent its proposed constitution to the towns. The voters rejected it by better than four to one, 9972 to 2083. The townspeople complained that the constitution did not protect individual rights sufficiently; that its system of separation of powers and checks and balances was grossly inadequate; that its plan for legislative representation favored the state’s eastern counties at the western counties’ expense; and that the legislature’s framing of the constitution did not respect the people’s right to exercise the constituent power – the power to make and adopt a constitution.

The General Court started over. Polling the town meetings and finding that they favored a new convention by a vote of more than two to one, in June 1779 the General Court called on each town to elect delegates to a convention. They announced that the convention would draft a constitution and submit it to the town meetings; and that the towns would send the convention their results (each town’s report of its decision and opinions on the constitution), setting forth votes on the constitution article by article. In its final session, the convention would decide

whether the constitution had been adopted by the required two-thirds vote. Braintree elected John Adams to represent it at the constitutional convention.

In September 1779, the delegates convened in Cambridge; they elected a thirty-member drafting committee, which chose a three-member subcommittee (James Bowdoin, Samuel Adams, and John Adams). That subcommittee assigned the task of drafting a constitution to John Adams. The assignment was a chance to apply his ideas about constitutionalism to creating a constitution for his home state, to reconcile theory and practice. Working through September and October, he presented his *Report of a Constitution* to the convention on 1 November.²⁸

Adams took up his pen at a pivotal time in the evolution of American constitutionalism. The first wave of state constitution-making in 1776 had produced constitutions exalting the legislature while limiting executive and judicial powers and independence. The early constitution-makers did not recognize adequately the need to separate institutions and powers or to create a system of checks and balances. By contrast, New York's 1777 constitution, framed by a committee led by John Jay, signaled a new wave of constitution-making. Its themes were concern for balance among three branches of government (legislative, executive, and judiciary), a powerful governor elected by the people, and a careful arrangement of separation of powers and checks and balances. Adams liked the New York constitution, believing that *Thoughts on Government* had guided its framing. Now, he would have a chance to bring constitutional creation to new heights.

Adams's draft began, emulating the Virginia constitution of 1776, with a Declaration of Rights of thirty articles, the last of which became the most famous:

XXX.--In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never

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exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.²⁹

Adams reaffirmed other states' declarations of rights by phrasing the provisions of the Massachusetts declaration in "should" language rather than in the "shall/shall not" language of statutory command. It codified right principles or right things to guide the citizenry in assessing the doings of their elected representatives, rather than presenting judicially-enforceable commands and prohibitions regarding individual rights.³⁰

In the Frame of Government accompanying the Declaration of Rights, Adams devised a two-house legislature, the House of Representatives more numerous than the Senate. This constitution made a considerable advance over its 1778 precursor in its arrangements for representation of the people throughout the state, in addressing separation of powers and checks and balances, and in creating an independent governor elected directly by the people. One unique aspect of Adams's Frame of Government was Chapter V, which provided for the governance of Harvard College, for the fostering of literary and other knowledge, and for the promotion of education.³¹

Reconvening on 28 October and receiving Adams's draft on 1 November, the convention continued its labors until 17 November, when it adjourned again, scheduling a new session to meet in Boston on 5 January. On and off the convention worked, submitting the revised draft to the towns on 2 March. Though approving Adams's work, the convention made a few changes to it. It subjected the governor's veto to override by a two-thirds vote of both houses of the state legislature – an innovation borrowed from New York's 1777 constitution but one that Adams

had criticized because he believed that the governor's veto (like that of the king of Great Britain) should be absolute. The delegates made other revisions to Adams's draft, such as authorizing the militiamen to elect their own officers (instead of having them appointed by the governor); eliminating Adams's proposed term limit for the governor (no more than five one-year terms out of every seven); and loosening his proposed property qualification for legislators to cover personal property as well as land held as freehold (that is, land held without limits on ownership rights).³²

After the convention submitted the draft constitution to the towns, it adjourned. Reconvening on 2 June, it began reviewing the results submitted by the town meetings. Several days of deliberations followed, during which the convention juggled votes to show that all the provisions of the proposed constitution had won the needed two-thirds vote.³³ Finally, on 16 June 1780, the convention announced that, every provision having won approval by a two-thirds majority, the new constitution had been adopted and would take effect as of 25 October 1780. Then the convention voted to dissolve.

Adams had had to leave the convention for a new diplomatic mission seeking peace with Great Britain almost immediately after he presented his draft, but his departure did not end his engagement with the constitution. From an ocean away, he kept watch. Writing a letter full of news about Massachusetts on 18 January 1780, Abigail made sure to inform John that his colleagues missed him and regarded him with esteem:

The Blocade of the roads has been a sad hinderance to the meeting of the convention, a few only of the near Members could get together, so few that they were obliged to adjourn. Many of them mourn the absence of one whom water, not snow seperates from

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them. They are pleased to say that he was more attended to than any other member, and had more weight and influence upon the minds of the convention.³⁴

John sent letter after letter to his cousin Samuel inquiring as to the progress of ratification. On 23 February 1780, he wrote:

I hope You will be so good as to inform me of what passes, particularly what progress the Convention makes in the Constitution. I assure You it is more comfortable making Constitutions in the dead of Winter at Cambridge or Boston, than sailing in a leaky Ship, or climbing on foot or upon Mules over the Mountains of Galicia and the Pyrenees.³⁵

John wrote Samuel again two years later, eager for news of the workings of the new form of government once it was put into effect:

Pray how does your Constitution work? How does the privy Council play its Part? Are there no Inconveniences found in it? It is the Part which I have been most anxious about, least it should become unpopular and Gentlemen should be averse to serve in it. This Form of Government has a very high Reputation in Europe, and I wish it may be as well approved in Practice as it is in Theory.³⁶

The Massachusetts constitution of 1780 won the reputation that it has had ever since, as the most eloquent state constitution framed during the Revolution.³⁷ The constitution and the process of its framing and adoption influenced all later American efforts at constitution-making – including that, seven years later, to frame a new form of government for the United States. With

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the 1777 constitution of New York, the Massachusetts constitution of 1780 was a leading influence on the U.S. Constitution. It was the high water-mark of Adams's influence on the development of American constitutionalism; he was an "absent framer" whose work shaped what happened in Philadelphia in 1787, even though he was not there.³⁸

Adams had intended his return to Massachusetts to end his public service, but his stay at home lasted barely four months. In October 1779, Adams's friend Henry Laurens of South Carolina wrote to him that Congress wanted to send him abroad again. They had named him an American minister plenipotentiary, charging him with negotiating a peace treaty with Great Britain. Laurens assured Adams that his acceptance of this appointment would give great joy to "the true friends of American independence."³⁹ Writing back almost immediately, Adams expressed ambivalence about the appointment but concluded by accepting the post:

I have received no Commission, nor Instructions, nor any particular Information of the Plan, but from the Advice and Information from you and Several others of my Friends at Philadelphia, and here, I shall make no Hesitation to say, that notwithstanding the Delicacy, and Danger of this Commission, I suppose, I shall accept it, without Hesitation, and trust Events to Heaven as I have been long used to do.⁴⁰

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This time two of his sons, John Quincy and Charles, would accompany him to Europe. Again John rejected Abigail's plea to travel with him with all the children, insisting that the voyage would be too dangerous.⁴¹ Though Abigail allowed John Quincy and Charles to go, she was not shy about expressing her sorrow at their leaving. Writing on 15 November 1779,

“Portia” (a pen-name that John and Abigail chose to denote her patient, patriotic loyalty, like that of Marcus Brutus’ wife) poured out her heart to her “Dearest of Friends”:

My habitation, how disconsolate it looks! My table I set down to it but cannot swallow my food....

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...My dear sons I can not think of them without a tear, little do they know the feelings of a Mothers Heart! May they be good and usefull as their Father then will they in some measure reward the anxiety of a Mother. My tenderest Love to them....

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God almighty bless and protect my dearest Friend and in his own time restore him to the affectionate Bosom of

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Portia⁴²

That day, the Adams party, including Francis Dana, a secretary to the American legation, sailed for France, again aboard the French vessel *La Sensible*. Unfortunately, the ship developed a series of leaks that prevented it from reaching France. Instead, the captain landed at El Ferrol on Spain’s northwest coast. Adams and his party had to travel overland from El Ferrol over the Pyrenees, reaching Paris on 8 February 1780. Almost immediately, Adams began a civil yet testy correspondence with Vergennes about whether, when, and how he should announce his mission. The French foreign minister insisted that it would be premature to disclose Adams’s mission, lest the announcement imply that the Americans were ready to give up. Vergennes also may have

been at least as concerned about Adams engaging in diplomacy out of French control – in particular he did not want Adams to seek a separate peace. Vergennes advised Adams to publish a vague statement that his mission had to do with “the future pacification,” a cryptic phrase that Adams agreed to use.⁴³

Adams next sought a French passport from Vergennes so that he could go to Amsterdam to open negotiations to secure Dutch recognition of the United States, and also to persuade Dutch bankers to make badly-needed loans to prop up the Confederation’s finances. Vergennes stalled on dealing with Adams’s request for a week.⁴⁴ Franklin agreed with Vergennes, doubting the effects on European perceptions of the United States were Adams to go begging to the Dutch. Despite Vergennes’ stubbornness and Franklin’s skepticism, Adams insisted that it was good and necessary to reach out to the Netherlands for recognition and aid. As the spring and summer of 1780 elapsed, Adams still hoped that his mission to Amsterdam might bring valuable benefits to the United States – should he ever get permission to undertake it.

Conflicting news – good fortune for Britain, setbacks for America, setbacks for Britain, good fortune for America – kept Adams and his American correspondents confused and uncertain. Adams’s spirits rose and fell with each shift of news. At the same time, his anxieties about the French-American alliance continued to grow. The war’s uncertain tidings similarly unsettled Vergennes and the French foreign ministry, making the dialogue between Adams and Vergennes increasingly edgy.

Vergennes finally went around Adams’s back to Franklin and to his own minister in the United States, the Chevalier de la Luzerne, Gerard’s successor. Vergennes asked Luzerne to induce Congress to instruct Adams to obey Vergennes’s “advice and opinion.”⁴⁵ Also, Vergennes persuaded Franklin to write to Congress that Adams had “given Offence to the Court

here.”⁴⁶ Even so, Vergennes finally agreed to give Adams his passport – whether “to get rid of me,” as Adams fretted, or to recognize the inevitable, owing to Congress’s insistence that they wanted to open diplomatic and financial communication with the Netherlands.⁴⁷

While awaiting his passport, Adams took up a congenial task – writing to shape European public opinion. His first such work (published in French in November 1780 and in English in January 1781) was his *Translation of Thomas Pownall’s “Memorial to the Sovereigns of Europe.”* Pownall, a former royal governor of New Jersey and Massachusetts, was a creative imperial statesman with a vision of a transformed British Empire. Adams used Pownall’s “Memorial” as a jumping-off point for his own vision of what the United States would become after winning independence, leading the world away from obsessions with imperial glory and dynastic succession to a new, liberal world dominated by commerce. After writing an extended letter to the president of Congress on 19 April 1780 addressing these themes, Adams revised and reworked that text into a pamphlet intended for a European audience.⁴⁸

Adams’s second writing project was *Letters from a Distinguished American*. Here, he wrote to answer another polemicist – in this case, the Loyalist Joseph Galloway, once of Pennsylvania, who in 1780 published *Cool Thoughts on the Consequences of American Independence*. Again, Adams presented his vision of a future in which a reconciled British Empire and an independent United States could have cordial, prosperous diplomatic and economic relations. He worked with a friend in Britain, Edmund Jennings (who may have been a British spy), to secure the letters’ publication in London newspapers, but Jennings ushered only the first ten letters into print, and the essays appeared two years after Adams wrote them. Jennings also changed the dates of the letters and altered the writer’s alleged identity from a

Briton disenchanted with the empire's war policy (Adams's original plan) to a "distinguished American." (The essays did not see print in full until 1978.)⁴⁹

Adams's third essay series was the "Replies to Hendrik Calkoen" – twenty-six essays prompted by the meeting between Adams and the prominent Dutch lawyer (whom Adams respectfully called "the giant of the law in Amsterdam"). Fascinated by his country's seventeenth-century revolution from Spain and curious about the similarities and differences between the Dutch and American Revolutions, Calkoen sent Adams a set of queries about the American Revolution. Calkoen used Adams's essays written in response as the basis for his lecture on the American Revolution; he also circulated the essays, hoping to induce influential lawyers and bankers in Amsterdam to favor the American cause. Though Adams never recovered his original essays from Calkoen, he used his drafts to reconstruct them and published them in London in 1786; they were reprinted in the United States in 1789. Adams used all three series of essays to practice his own version of diplomacy by other means – seeking to shape public opinion of the American cause and its likelihood of success.⁵⁰

Adams continued to ponder what he should be doing. He preferred to write home to his wife and children, as Abigail loved to write to him – though at certain periods of his time abroad, her letters to him far outstripped in number, length, and emotional openness his letters to her. Their correspondence is replete with lists of letters sent and received, and inquiries after letters apparently not received – a habit common to those exchanging letters across the ocean. Abigail hinted, cajoled, and even begged John to write more often. Overworked, stressed, and feeling pangs of guilt, John answered that he was so busy that he wrote as often as he could, though not as often as he wished. Their friction over correspondence ebbed and flowed, as letters entrusted to the mails did or did not arrive. Keeping track of the frequency of John's letters, Abigail often

taxed him with the amount of time elapsing between his missives. She sometimes upbraided her son as well. In December 1778, the eleven-year-old John Quincy sought to intervene in his parents' disputes about who was writing enough, or not enough:

it is now with Great Pleasure that I now sit down to write to you & many a time since I came here I have done the same though you say in several Letters that ... you have not rec'd but two or three Letters from My Pappa or me but Pappa rec'd a Letter from Uncle Smith Dated November the 3th in which he says that he had taken a Number of Letters for the family Yours have been pretty lucky but I have not rec'd but 2 Letters from you however My Pappa has rec'd several from you in which you complain'd a great deal of my Pappa's not writing to you but be assured that it is not that for he has wrote a great number of Letters to you...⁵¹

Abigail struggled to keep the Adams farm going and sought other ways to generate income, asking John to ship her products from Europe that she could resell in America. Both suffered from Congress's slow, inadequate system of paying American diplomats so that they could defray their expenses.⁵²

Abigail also served as her husband's eyes and ears for American opinion. While John was in Europe, Abigail was in regular contact with James Lovell, a Massachusetts lawyer, politician, and delegate to the Continental Congress. Lovell gave her news of John (and sometimes of John Quincy); Abigail was hungry for such news and, frustrated by her husband's intermittent, terse letters, she was grateful to Lovell for providing information. Further, she conveyed to John whatever useful political news Lovell could share with her.

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Lovell posed a challenge for Abigail, as he was daringly flirtatious with her, even on occasion calling her Portia and skirting the edge of propriety. She valued her connection with him; at times she too was willing to engage in flirting, but she issued coy reproofs when Lovell stepped too close to the line set by eighteenth-century conventions. Ignoring Lovell's seeming overtures to another man's wife, Abigail remained true to her husband, however frustrating she found his absence from home.⁵³

On 27 July 1780, John and his sons began the journey by carriage to Amsterdam, passport in hand.⁵⁴ Soon after he arrived, on 10 August, Adams opened talks with Dutch authorities. In the meantime, he arranged for John Quincy, thirteen, and Charles, ten, to enroll at the University of Leyden. John Quincy took to the plan, but Charles, who at first had welcomed his first trip abroad as an adventure, increasingly suffered from homesickness, John arranged for Charles to return to America; he left on 12 August 1781. Writing to inform Abigail of her son's impending return, John wrote sadly, "My dear Charles will go home with Maj. Jackson. Put him to school and keep him steady.—He is a delightful Child, but has too exquisite sensibility for Europe."⁵⁵ Meanwhile, in July 1781, John Quincy went to St. Petersburg as secretary and French interpreter for Francis Dana, the new American minister to Russia. The Dana mission was a failure, for Catherine the Great declined to recognize American independence.

In the summer of 1781, as talks with the Dutch dragged on, Adams began to get letters reporting that Vergennes was plotting against him with the aid of American allies in Congress, encouraged in their doings by Franklin. His main sources were his wife Abigail and James Lovell. Writing of her sorrow that she could not "protect you from the Slandrous arrow that flieth in Secret," Abigail denounced Franklin's 1780 letter to the president of Congress as "this low this dirty this Infamous t[his] diabolical peice of envy and malice."⁵⁶

In August 1781, Congress recast its approach to the anticipated peace talks with Britain, naming Franklin, Henry Laurens, John Jay, and Thomas Jefferson to serve with Adams. Their decision was the indirect doing of Vergennes through Luzerne; the foreign minister did not want to have to deal with Adams as sole American representative. Adams accepted this arrangement with resignation blended with anger, skeptical of the congressional mandate that the Americans work in concert with France.⁵⁷

Bouts of illness (a product of stress from his diplomatic efforts and from the war's uncertain state) interrupted Adams's grueling negotiations with the Dutch. Word of the great French-American victory at the Battle of Yorktown (in October 1781) and the allies' capture of British General Charles Cornwallis's army spurred the Dutch to endorse the American cause. On 19 April 1782, the Netherlands recognized American independence; the leader of the Dutch government, Stadtholder William V, received Adams's credentials as the first American minister to Holland.⁵⁸ Adams also persuaded Dutch bankers to make loans to the United States that bolstered Congress's finances and credit. These talks made Adams what biographer James Grant dubbed him – America's first "junk bonds promoter."⁵⁹ Adams's successful mission to the Netherlands was his first solo diplomatic achievement.

One of the new negotiators, John Jay, arrived in Paris with his wife Sarah Livingston Jay on 23 June 1782, fresh from his failed diplomatic mission to Spain. Laurens and Jefferson, the other two new negotiators, were unable to reach Paris. Captured by the British as he made his way to Europe, Laurens spent the rest of the war as a prisoner in the Tower of London. Still prostrated by the death of his wife Martha in 1782, Jefferson never began his journey to Europe. The burden of the negotiations fell on Jay and Franklin, as Adams was still in the Netherlands. In October 1782, when at Jay's behest he finally returned to France, Adams was so furious at

Franklin for undermining him with Congress that he refused to visit Franklin. Mollifying Adams to prod the work of negotiating peace forward required the intervention of an American merchant, Matthew Ridley. Ridley persuaded Adams that it was better to honor the proprieties, however distasteful, to avoid revealing the strained relations between the American negotiators.⁶⁰

Adams and Jay then began to review the task before them. Jay was a born diplomat, like Franklin. As a descendant of the Huguenots (French Protestants), he resented the persecution of his ancestors by France's Roman Catholics; he thus shared Adams's suspicion of the French. That Jay and Adams were both lawyers and constitution-makers fostered their growing friendship and partnership. Having won Franklin's and Adams's esteem, Jay became the American delegation's core member.⁶¹

Taking a pivotal step, Jay and Adams decided to ignore Congress's mandate to coordinate with the French, because the French and the Americans had different diplomatic goals. Adams and Jay saw that France gave low priority to American independence. To extract themselves from a difficult, unprofitable war, they would sell out the Americans for a separate peace with Britain. By contrast, independence was the Americans' first priority. If the French were giving greater weight to their own interests than to the American alliance, Jay and Adams decided, the Americans should look out for their country's interests in the same way.

Confronting Franklin, Jay and Adams told him that they were ready to ignore Congress's instructions and negotiate directly with Britain, explaining their reasons. In answer to Franklin's amazed query, "Then you are prepared to break our instructions if you take an independence course now[?]," Jay confirmed that he would do so, shattering his long clay pipe in the fireplace to emphasize his point (according to Jay family tradition).⁶² Reluctantly, Franklin accepted their

decision. Once the Americans had negotiated the peace treaty with Britain, Franklin took on the delicate task of briefing Vergennes on what the Americans had done without him.⁶³

After months of negotiation, the diplomats concluded the Treaty of Paris of 1783, agreed on in preliminary form in November 1782 and achieving final, official status on 3 September 1783.⁶⁴ In this treaty, Britain recognized American independence and American fishing rights along the New England coast (a priority for Adams) and ceded all territory between the Allegheny Mountains and the Mississippi River to the United States, doubling its size. The treaty also offset Loyalist claims for confiscated property in America against Americans' claims for property destroyed by British and Loyalist forces (a priority for Franklin). Though issues linked to slavery arose in the negotiation of the treaty, they were of minor importance.

The treaty was an American victory, the product of shrewd negotiations by the American diplomats aided by British admission that the war to keep the colonies was failing. One casualty of that failure was Lord North's ministry. In late 1782, losing a vote of confidence in the House of Commons, North and his colleagues resigned. The new ministry, led by the Marquis of Rockingham, told George III that, because the American war was all but lost, it would be best to conclude a peace treaty with the United States and defeat the French later.

The artist Benjamin West was commissioned to mark the treaty's completion by painting a group portrait of the negotiators, but the British diplomats refused to sit for it, and West left the painting unfinished. "The Peacemakers," an icon of U.S. diplomatic history, captures the Americans' satisfaction and weariness. John Jay stands, ramrod-straight, on the left; a contented Adams sits beside a smiling Franklin on a couch at the painting's center. Henry Laurens, looking anxious, stands next to Franklin; and Franklin's grandson, William Temple Franklin, sits next to

his grandfather, holding a pen to show that he was the Americans' secretary. (Actually, Laurens was still in England and the younger Franklin was not invited to attend the signing ceremony.)⁶⁵

Following completion of the negotiations, Adams brooded over his future. Though eager to return home, he hoped that Congress might name him the first American minister to Great Britain, believing that he had earned the appointment. Adams spent most of 1783 fretting that Congress would not recognize his past services by giving him any new diplomatic assignment. Instead, he feared, those prizes would go to Franklin or to whomever Franklin wanted to have them. Haunted by rumors of congressional schemes against him spurred by French agents and by Franklin, and no longer able to contain himself, Adams began to denounce Franklin in letters home and in conversations.⁶⁶ Insisting that only he and Jay deserved principal credit for the treaty, he focused his wrath on Franklin. The New Englanders to whom he unburdened himself shared his views and fed them back to him. Even so, Adams's emotional explosions were inappropriate for a man of his age and standing. Unintentionally, Adams confirmed the doubts that many in Congress held of his judgment and even of his stability. His concern that others take him seriously caused him to behave in a way making such respect all but impossible.

Each letter Adams wrote defending himself seemed to most in Congress to reinforce the case against him. Finally, Franklin, a seasoned veteran of epistolary politics, fired back – with devastating effect. On 22 July 1783, Franklin wrote to Robert R. Livingston, the Confederation Congress's Secretary for Foreign Affairs, complaining about Adams's lack of discretion: "I am persuaded however, that [Adams] means well for his Country, is always an honest Man and often a Wise One, but sometimes and in some things absolutely out of his Senses."⁶⁷ Franklin's comment on Adams was a masterly insult, blending initial approbation with a pointed insinuation of doubt. Franklin's sentence, confirming people's worst doubts about Adams, did more damage

to Adams's reputation, then and thereafter, than the most scathing of Adams's letters could inflict on Franklin.

Adams's confidence and reputation never fully recovered from this blow. The contents of Franklin's letter became notorious within Congress and among American politicians, haunting Adams for the rest of his life. Still, Adams's diplomatic service continued, beginning a new chapter in his education, and a new, more troubled, and more frustrating time for him and for his family.

NOTES

¹ H. James Henderson, "Congressional Factionalism and the Attempt to Recall Benjamin Franklin," *The William and Mary Quarterly*, 3rd ser., 27: 2 (April 1970): 246-267; and H. James Henderson, *Party Politics in the Continental Congress* (New York: McGraw-Hill, 1974), *passim*.

² John E. Ferling, "John Adams, Diplomat," *William and Mary Quarterly*, 3rd ser., 51:2 (April 1994): 227-252. Ferling wrote in skeptical response to James H. Hutson's combative monograph, *John Adams and the Diplomacy of the American Revolution* (Lexington: University Press of Kentucky, 1980). See generally Richard B. Morris, *The Peacemakers: The Great Powers and American Independence* (New York: Harper & Row, 1965). The most recent study of the Deane affair is Joel Richard Paul, *Unlikely Allies: How a Merchant, a Playwright, and a Spy Saved the American Revolution* (New York: Riverhead Books/Penguin Group (USA), 2009); Julian P. Boyd, "Silas Deane: Death by a Kindly Teacher of Treason?" *William and Mary Quarterly*, 3rd Ser., 16 (1959), 165-187, 319-342, 515-550; William Stinchcombe, "Notes and Documents: A Note in Silas Deane's Death," *William and Mary Quarterly*, 3rd ser., 32 (1975): 619-624.

³ Ferling, "John Adams, Diplomat," 250.

⁴ Gerald Stourzh, *Benjamin Franklin and American Foreign Policy* (Chicago: University of Chicago Press, 1954; rev. ed., 1969), *passim*. On Franklin as a colonial agent, Michael G. Kammen, *A Rope of Sand: Colonial Agents, British Politics, and the American Revolution* (Ithaca, NY: Cornell University Press, 1968); on Franklin as a scientist, I. Bernard Cohen, *Benjamin Franklin's Science* (Cambridge, MA: Harvard University Press, 1990; rev. pbk. ed., 1991).

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⁷ Letter from Abigail Adams to John Adams, 30 June 1778, draft, AFPEA/MHS.

⁸ Letter from John Adams to Abigail Adams, 13 February 1778. AFPEA/MHS.

- ⁹ John Adams diary 47, 13 February 1778 - 26 April 1779 . AFPEA/MHS.
- ¹⁰ “[April 21. Tuesday. 1778.] ,” FO/NA.
- ¹¹ Letter from Abigail Adams to John Adams, 18 June 1778 . AFPEA/MHS.
- ¹² John Adams autobiography, part 2, “Travels, and Negotiations,” 1777-1778, sheet 9 of 37. AFPEA/MHS.
- ¹³ Robert Middlekauff, *Benjamin Franklin and His Enemies* (Berkeley and Los Angeles: University of California Press, 1996), 173-201 and 204-206.
- ¹⁴ “From John Adams to James Warren, 4 August 1778,” FO/NA.; Ferling, “John Adams, Diplomat,” 228-229.
- ¹⁵ John Adams autobiography, part 2, “Travels, and Negotiations,” 1777-1778, sheet 13 of 37. AFPEA/MHS.
- ¹⁶ “From John Adams to Elbridge Gerry, 5 December 1778,” FO/NA; Abigail Adams to John Adams, 18 May 1778 . AFPEA/MHS.
- ¹⁷ Ferling, “John Adams, Diplomat,” 234-235.
- ¹⁸ John Adams diary 47, 13 February 1778 - 26 April 1779 [entry for 11 February 1779]. AFPEA/MHS.
- ¹⁹ Middlekauff, *Franklin and His Enemies*, 193.
- ²⁰ John Adams to Abigail Adams, 3 December 1778, AFPEA/MHS; Ferling, “John Adams, Diplomat,” 235.
- ²¹ John Adams to Abigail Adams, 28 February 1779. AFPEA/MHS.
- ²² John Adams to Abigail Adams, 20 February 1779, AFPEA/MHS.
- ²³ Abigail Adams to John Adams, 13 February 1779, AFPEA/MHS.
- ²⁴ Richard B. Bernstein, “The Massachusetts Constitution of 1780,” in Stephen L. Schechter, Richard B. Bernstein, and Donald S. Lutz, eds., *Roots of the Republic: American Founding Documents Interpreted* (Madison, WI: Madison House, 1990), 188-194 (the constitution follows in *id.*, 195-226); Ryerson, *Republic*, 212-227.
- ²⁵ Richard B. Bernstein, “John Adams’s *Thoughts on Government* (1776),” in Schechter, Bernstein, and Lutz, eds., *Roots of the Republic*, 118-137, and sources cited.
- ²⁶ Robert J. Taylor, ed., *Massachusetts, Colony to Commonwealth: Documents on the Foundation of the Constitution 1775-1780* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1960), 45.
- ²⁷ Oscar Handlin and Mary Handlin, *The Popular Sources of Political Authority: Documents on the Massachusetts Constitution of 1780* (Cambridge, MA: Belknap Press of Harvard University Press, 1966), 190.
- ²⁸ The 1 November *Report of a Constitution* appears in “The Report of a Constitution or Form of Government for the Commonwealth of Massachusetts, 28 – 31 October 1779,” FO/NA. The finished version appears in Schechter, Bernstein, and Lutz, *Roots of the Republic*, 195-226, derived from its appearance in *The Journal of the Convention, for Framing a Constitution of Government for the State of Massachusetts-Bay...* (Boston: Dutton and Wentworth, Printer to the State, 1832), 222-249.
- ²⁹ Quoted in Schechter, Bernstein, and Lutz, *Roots of the Republic*, 202.
- ³⁰ Robert C. Palmer, “Liberties as Constitutional Provisions, 1776-1791,” in William E. Nelson and Robert C. Palmer, *Liberty and Community: Constitution and Rights in the Early American Republic* (New York: Oceana Publications, 1988) (New York University School of Law – Linden Studies in Legal History), 55-148.
- ³¹ Quoted in Schechter, Bernstein, and Lutz, *Roots of the Republic*, 221.
- ³² Wood *JA 1775-1783*, 764 note.
- ³³ Samuel Eliot Morison, “The Struggle over the Adoption of the Massachusetts Constitution of 1780,” *Proceedings of the Massachusetts Historical Society* 50 (1916-1917): 353-411.
- ³⁴ Letter from Abigail Adams to John Adams, 18 January 1780, letterbook copy . AFPEA/MHS.
- ³⁵ “From John Adams to Samuel Adams, 23 February 1780,” FO/NA.
- ³⁶ “From John Adams to Samuel Adams, 15 June 1782,” FO/NA.
- ³⁷ Ronald M. Peters, *The Massachusetts Constitution of 1780: A Social Compact* (Amherst: University of Massachusetts Press, 1980), 14; “Symposium – The Massachusetts Constitution of 1780,” *Suffolk University Law Review* 14:4 (Summer 1980): 841-1010, esp. John Phillip Reid, “In the Taught Tradition: The Meaning of Law in Massachusetts-Bay Two Hundred Years Ago,” *id.*, 931-974.
- ³⁸ Charles Warren, *Congress, the Constitution, and the Supreme Court*, rev. ed. (Boston, MA: Little, Brown, 1935), 104- (esp. 30-34); Willi Paul Adams (Rita and Robert Kimber, trans.), *The First American Constitutions: Republican Ideology and the Making of the State Constitutions in the Revolutionary Era*, expanded edition (1980: Lanham, MD: Rowman & Littlefield/A Madison House Book, 2001), 3; George Dargo, *Law in the New Republic: Private Law and Public Estate* (New York: Alfred A. Knopf, 1983), 13.
- ³⁹ “To John Adams from Henry Laurens, 4 October 1779,” FO/NA.
- ⁴⁰ “From John Adams to Henry Laurens, 25 October 1779,” FO/NA.
- ⁴¹ Edith B. Gelles, *Abigail and John: Portrait of a Marriage* (New York: William Morrow, 2009), 124.

- ⁴² Abigail Adams to John Adams, 14 November 1779, *AFPEA/MHS*.
- ⁴³ Adams appended copies of these letters to his diary entry. “[4 February–21 March 1780],” *FO/NA*.
- ⁴⁴ Ferling, “John Adams, Diplomat,” 241–244, and sources cited; Morris, *Peacemakers*, 199.
- ⁴⁵ Ferling, “John Adams, Diplomat,” 244–245, and sources cited.
- ⁴⁶ “From Benjamin Franklin to Samuel Huntington, 9 August 1780,” *FO/NA*.
- ⁴⁷ Ferling, “John Adams, Diplomat,” 245.
- ⁴⁸ Wood *JA 1775–1783*, 768–769 note. For the list of links to relevant pages on *FO* for the *Adams Papers* edition of the *Memorial*, see: <https://founders.archives.gov/ancestor/ADMS-06-09-02-0115>
- ⁴⁹ Wood *JA 1775–1783*, 769–770 note. John Adams (James H. Hutson, ed.), *Letters from a Distinguished American: Twelve Essays by John Adams on American Foreign Policy* (Washington, D.C.: Library of Congress, 1978); Hutson’s introduction discusses the questionable Jennings. For the list of links to relevant pages on *FO* for the *Adams Papers* edition of the *Letters*, see <https://www.founders.archives.gov/ancestor/ADMS-06-09-02-0312>
- ⁵⁰ For the list of links to relevant pages on *FO* for the *Adams Papers* edition of the “Replies to Henrik Calkoen,” see <https://founders.archives.gov/ancestor/ADMS-06-10-02-0117>
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- ⁵² See the references scattered throughout their correspondence, and through the pages of Gelles, *Abigail & John*, and Edith B. Gelles, *Abigail Adams: A Writing Life* (New York and London: Routledge: 2002), and Edith B. Gelles, *Portia: The World of Abigail Adams* (Bloomington: Indiana University Press, 1991). See also Woody Holton, *Abigail Adams: A Life* (New York: Free Press, 2009).
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- ⁵⁶ Abigail Adams to John Adams, 1 August 1781. *AFPEA/MHS*. Ferling, “John Adams, Diplomat,” 245–246 and sources cited at 246–247nn63–69.
- ⁵⁷ Morris, *Peacemakers*, 211–217.
- ⁵⁸ J. W. Schulte Nordholt, *The Dutch Republic and American Independence* (Chapel Hill: University of North Carolina Press, 1982); J. W. Schulte Nordholt, *Till I knew John Adams: a sketch of John Adams’ diplomacy in the Netherlands, 1781–1782, & of his house in Quincy, Massachusetts* (The Hague, The Netherlands: Joint Esso Companies in the Netherlands (Esso Museum Series), 1981); J. W. Scholte Nordholt, “The Recognition of the United States by the Dutch Republic,” *Proceedings of the Massachusetts Historical Society* 94: 37–48 (1 January 1982):
- ⁵⁹ James Grant, *John Adams, Party of One* (New York: Farrar, Straus & Giroux, 2005), 268–276, gives an excellent analysis of the negotiations and the results.
- ⁶⁰ Middlekauff, *Franklin and His Enemies*, 197; Herbert E. Klingelhofer, “Notes and Documents: Matthew Ridley’s Diary during the Peace Negotiations of 1782,” *William and Mary Quarterly*, 3rd ser., 20:1 (Jan. 1963): 95–133 (esp. 123).
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- ⁶⁴ Morris, *Peacemakers*; Ronald Hoffman and Peter J. Albert, eds., *Peace and the Peacemakers of 1783* (Charlottesville: University Press of Virginia, 1985), *passim*. For the treaty’s text, “Preliminary Peace Treaty between the United States and Great Britain, 30 November 1782,” *FO/NA*. Morris, *Peacemakers*, 461–465; Wood *JA 1775–1783*, 691–696.
- ⁶⁵ Morris, *Peacemakers*, 435–436.
- ⁶⁶ Ferling, “John Adams, Diplomat,” 245–246 and sources cited.
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