

## James Otis

It is hard to say exactly when the 'American Revolution' started. However, John Adams gives a hint that it may have been on February 24, 1761, inside the Old Town House (now the Old State House) in Boston,

Then and there was the first scene of the first Act of opposition to the Arbitrary claims of Great Britain. ...

[James] 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.

American Independence was then & there born.

The seeds of Patriots & Heroes to defend the Non sine Diis Animosus Infans [from Horace's ode "Descende coelo", which translates to 'The infant is not bold without the aide of the gods.'];

to defend the Vigorous Youth were then & there sown.

Every Man of an immense crowd of Audience appeared to me to go away, as I did, ready to take Arms against Writs of Assistants.

James Otis originally supported Britain's policies toward the Massachusetts colony. Though he held appointed positions in the colonial government, he gradually grew disenchanted with the English Parliament.

In 1761, Otis gave a tirade in Boston against the British use of writs of assistance. The writs, or court orders, allowed the government to search colonists' homes and businesses. Their purpose: to seize undeclared imports that deprived the British treasury of funds.

Of the speech, historian John T. Morse wrote,

"This was the first log of the pile which afterward made the great blaze of the Revolution."



Or, as John Adams wrote,

“Then and there the Child Independence was born. In fifteen years i.e. in 1776. he grew up to Manhood, & declared himself free.”

James Otis was called the most important American of the 1760s by John Adams.

Son of the elder James Otis, who was already prominent in Massachusetts politics, the younger Otis ((born Feb. 5, 1725, West Barnstable, Massachusetts) graduated from Harvard College in 1743 and was admitted to the bar in 1748. He moved his law practice from Plymouth to Boston in 1750.

A trained lawyer and master of argument, James Otis was a leader of the Patriot movement in Boston in those years. Initially a prosecutor for the British authorities, Otis changed sides in 1761, when he argued against writs of assistance (broad search warrants that British officials used to search the homes and businesses of colonists).

During the 1760s, Otis led the intellectual attack against British tyranny, composing ringing defenses of liberty that won Americans to the revolutionary cause and helped to inspire the well-known slogan, “Taxation without representation is tyranny.”

Otis was also one of the first well-known Americans to defend the natural rights of Africans and to condemn slavery. In doing so, he demonstrated his intellectual honesty and integrity, as well as his personal bravery. John Adams and many others were alarmed by his arguments about race, though Adams knew that they could not be refuted.

In February 1761, Boston lawyer James Otis delivered a five hour speech that railed against the use of writs of assistance (general search warrants) in Massachusetts. This excerpt contains a summary of Otis’ arguments against writs of assistance:

I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand and villainy on the other as this Writ of Assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law-book ...

The writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special Writs of Assistance, to search special places, may be granted to certain persons on oath. But I deny that the writ now prayed for can be granted ...

In the first place, the writ is universal, being directed “to all and singular justices, sheriffs, constables, and all other officers and subjects”; so that, in short, it is directed to every subject in the King’s dominions. Everyone with this writ may be a tyrant;

if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder anyone within the realm.



In the next place, it is perpetual; there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him until the trump of the Archangel shall excite different emotions in his soul.

In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him. Fourthly, by this writ not only deputies, etc., but even their menial servants, are allowed to lord it over us...

One of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle.

This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient."

This case, and the arguments he made, was the basis for the Fourth Amendment of the Bill of Rights, since John Adams witnessed the impassioned four-hour speech made by Otis and helped write the Massachusetts Constitution and the Constitution of the United States.

#### Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

“Mr. Otis’s popularity was without bounds.” He was elected in May 1761 to the General Court (provincial legislature) of Massachusetts and was reelected nearly every year thereafter during his active life. In 1766 he was chosen speaker of the house, though this choice was negated by the royal governor of the province.

As Adams notes,

For ten years afterwards Mr. Otis at the head of his Countrys cause, conducted the Town of Boston & the people of the Province with a prudence & fortitude, at every sacrifice of personal interest, & amidst unceasing persecution; which would have done honour to the most virtuous Patriot or Mastyr of Antiquity.

In September 1762 Otis published A Vindication of the Conduct of the House of Representatives of the Province of Massachusetts Bay in defense of that body’s rebuke of the governor for asking the assembly to pay for ships not authorized by them - though sent to protect New England fisheries against French privateers.

Otis also wrote various state papers addressed to the colonies to enlist them in the common cause, and he also sent such papers to the government in England to uphold the rights or set forth the grievances of the colonists.

His influence at home in controlling and directing the movement of events toward freedom was universally felt and acknowledged, and few Americans were so frequently quoted, denounced, or applauded in Parliament and the British press before 1769.

In 1765 he was a delegate to the Stamp Act Congress in New York City, and there he was a conspicuous figure, serving on the committee that prepared the address sent to the House of Commons.

### **Incapacitated**

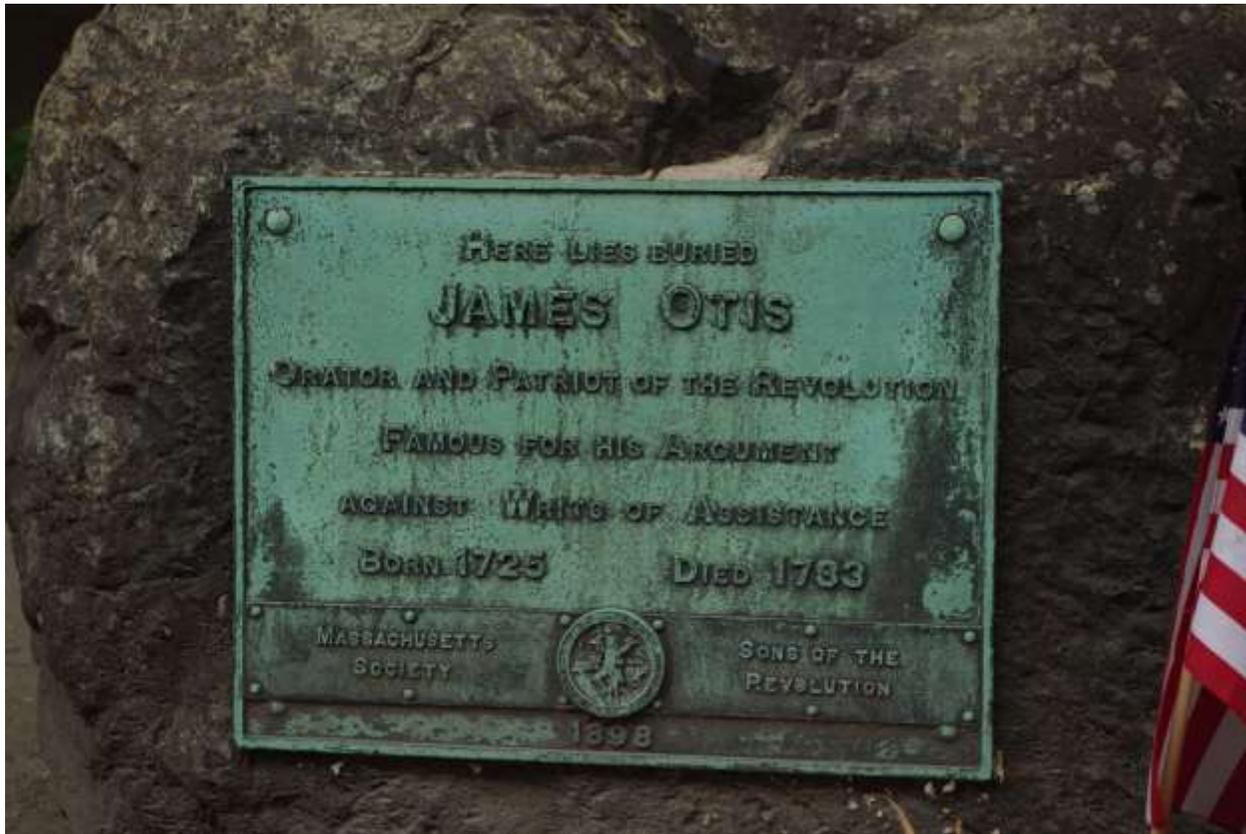
Already an eccentric, high-strung and unsteady man, Otis suffered brain damage when a British official whom Otis had singled out for criticism in a newspaper essay attacked him in 1769.

The assault incapacitated Otis and ended his public career. His contributions to the American resistance movement were largely forgotten, not only by his contemporaries but also by later generations.

He died on May 23, 1783,

On May 26, 1783, the Boston Gazette reported "that last Friday Evening, the House of Mr. Isaac Osgood was set on Fire and much shattered by Lightning, by which the Hon. James Otis, Esq., of this Town, leaning upon his Cane at the front Door, was instantly killed.

Several Persons were in the House at the Time, some of whom were violently affected by the Shock, but immediately recovering ran to Mr. Otis’s Support, but he had expired without a Groan.”



Information here is primarily from Bill of Rights Institute; New England Historical Society; Britannica; National Archives

In an effort to provide a brief, informal background summary of various people, places and events related to the American Revolution, I made this informal compilation from a variety of sources. This is not intended to be a technical reference document, nor an exhaustive review of the subject. Rather, it is an assemblage of information and images from various sources on basic background information. For ease in informal reading, in many cases, specific quotations and citations and attributions are often not included – however, sources are noted in the

summary. The images and text are from various sources and are presented for personal, noncommercial and/or educational purposes. Thanks, Peter T. Young