

“We the People: A Tribute to John Adams”

Cochise County Law Day Keynote Address
May 3, 2011

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I

INTRODUCTION

We meet here, on the steps of this beautiful building, this Court of Law, to celebrate Law Day 2011 and the first lawyer President of our United States, John Adams.

We come together this year to pay tribute to John Adams but on a grander scale we are actually celebrating, we are honoring our individual and collective commitment to the principle of law. A principle whereby people can live in peace together, with the mutual acknowledgment that only together can we realize our individual potential; that only together, in harmony, can we individually pursue life, liberty and the happiness they foster to their fullest.

Let's begin our celebration, our exploration of John Adams with these words:

(SLOWLY!)

Read with me, the red insert in your program, the Preamble to the Constitution):

“We the People of the United States, in Order to form a more perfect union,
Establish Justice,
Insure domestic Tranquility,
Provide for the common defense,
Promote the general Welfare, and
Secure the Blessings of Liberty to ourselves and our Posterity,
Do Ordain and Establish
This Constitution for the United States of America.”

You will recognize these words as the Preamble of the Constitution.

“We the People...” note that it states, “...a more perfect union...” and not a “perfect union.”

“Justice”

“Tranquility”

“Liberty”

These are words of “Life,” “Liberty,” and “Happiness:”

Listen now, please, as I read to you from the Declaration of Independence; and see if you can note similarities:

“We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, that to secure these rights. Governments are instituted among MEN, deriving their just powers from the consent of the governed....”

John Adams wrote the Declaration of Independence, in essence, before Thomas Jefferson actually penned it in 1776, when in May of that year, John Adams, **according to John Adams**, instructed the Continental Congress by his resolution, to have the states draft new constitutions, acknowledging the exact sentiments later found in the Declaration.

It is interesting to note that the Preamble to the Constitution was drafted in the 1787-1788 time period, while the Declaration of Independence was drafted in June and July 1776.

Even more interesting is the difference between the two documents. The Declaration “is a radical document that locates sovereignty in the individual and depicts government as an alien force, making rebellion against it a natural act.”¹

The Preamble to the Constitution, on the other hand, “is a conservative document that locates sovereignty in that collective called “the people,” making

“government an essential protector of liberty rather than its enemy, and values social balance over personal liberation.”²

Imagine that men who can make revolution can also secure it!³

Let us now explore in some depth John Adams. And, in doing so, we must also explore his wife Abigail Adams. For, only exploring both can we celebrate the legacy of the one.

II

FUN FACTS

JOHN ADAMS

Under the Old Style Calendar, he was born October 19, 1735. However, in 1752, when he was 17ish years of age, the Gregorian Calendar was adopted. Thus his birthday was moved to October 30, 1735.

Born in Braintree, Massachusetts to John Adams and Susanna Boyle of Brookline, Massachusetts.

John, the father, was 43, a direct descendant of John and Priscilla Alden.

Susanna was 25.

The Adames landed in Braintree in 1638, part of the Great Puritan migration.

Puritans were that part of the Anglican Church of England who sought to “purify” the newly created Church [of Catholics].

The Adames hailed from Barton St. David in Somersetshire, England. There were four (4) generations of Adams in Braintree when our John was born.

A 5-room “saltbox,” built in 1681, hewn from oak timbers with a massive brick chimney, providing three rooms with 2 fireplaces downstairs, and 2 rooms above, 24 pane windows with wooden shutters, a well and a stone wall fence was his childhood home.

Furnishings were plain and handed down from generations. There was no newspaper in Braintree, a village of 2000. News came by way of travelers. John was born in the house next door to the house that was to be his home as an adult – a farmer’s cottage.

John was baptized in the church in which his father was a deacon. John later said that religion is what preserved his forefathers, otherwise, as he wrote: “They would have been rakes, fops, sots, gamblers, starved with hunger, or frozen cold, scalped by Indians.....”⁴

For most of his life, childhood as well as adult, he lived a mile or so from the sea. He did not come from money.

His first 15 years of life, “went off like a fairytale.”⁵ He lived and grew in a quiet village of farms along the coast between Plymouth and Boston, among orchards, meadows of salt hay and broad marshlands, among brooks and the Neponset River, “swimming, skating, flying kites, shooting marbles, bat and ball, football, wrestling and sometimes boxing, making and sailing boats,” all filled his young years.⁶

Blue eyes

Light brown hair

Sharp, bird-like nose

Firm chin

High forehead

Perfectly arched brows

And, later in life, a thinning hairline.

He grew up on a farm, thus, he had working-man hands. He was fit, solid and even verging on portly as a man, he was considered “middle size,” achieving the height of 5’7”.

He was a known talker, in fact, some wished he talked less **and even he**, later, wished he talked less.

John described himself later in life as a short thick Archbishop of Canterbury.

His pleasures included:

- Long walks and time alone on horseback in nature
- His family
- The farm
- Books
- His writing table
- His pipe
- And, as a young man, his coffee (tea was taxed, remember)

Later in life, he came to appreciate a glass of good Madera (wine).

John cared deeply for his friends, who, with few exceptions, were his friends for life, despite severe strains in some (Thomas Jefferson).

Others have described John Adams as

- Honest
- Independent
- Hard-working
- Frugal

(All traditional New England traits)

- Sensible
- Forceful
- Great-hearted
- An independent thinker
- Ambitious

- Generous
- Possessing a brilliant mind
- Entertainer
- High-spirited
- All forgiving
- Devout Christian
- Affectionate
- Vain
- Cranky
- Impetuous
- Self-absorbed
- Fiercely stubborn
- Passionate to anger
- With spells of despair, especially when away from his family

John was drawn to Shakespeare, the Greek and Roman authors, Cicero, Plato.

He enjoyed Cervantes and Jonathan Swift.

He is quoted: “You will never be alone with a poet in your pocket.”⁷

John Adams was not a worldly man. He was poor at cards and an awkward dancer.

John attended Harvard, beginning in 1751. His father wanted him to be a minister but John’s religious doubts prevented that.

He first tried teaching.

He was the surveyor of Braintree, his first official position.

From those pursuits, he went to read the law and opened his office in Braintree.

John never set foot out of New England before the first Continental Congress in Philadelphia in 1774.

He did not like to travel on the Sabbath.

John served in the Massachusetts Legislature.

Of New Yorkers, John thought they lacked decorum; “They talk very loud, very fast and altogether.”

My, how things have changed.

John Adams met his wife to be, Abigail Smith, through his friend, Richard Cranch, who was “paying court” to Abigail’s sister, Mary.

Richard Cranch was providing books and an intellectual outlet to Abigail when he introduced the two.

At first, John did not like Abigail. He thought her too blunt, too self-assured.

Eventually he came around and believed Abigail’s wit and candidness would serve him well in keeping in check the vanity he thought his greatest weakness. He thought she could restore his benevolence and polish his sentiments. She was to keep his cynicism at bay.

They married on October 25, 1764, in her father’s parsonage in Weymouth. [William Smith, Abigail’s father, also married Abigail’s two (2) sisters in that same parsonage.]

They married only after Abigail’s parents and the rest of her village withdrew their collective objection, believing John was beneath Abigail, being the son of a middle class farmer **and a lawyer**; she the descendant of many of the Shining Lights of the colony.

Interestingly and perhaps just a bit ironically, they wed on the 4th Anniversary of King George the 3rd’s Ascension to the British Throne. The same king John would have a hand in “throwing out” of the colonies.

Together they had five children, three boys and two girls, one of whom lived but two years (Susanna 1768-1770).

John was the first lawyer president and the first one-term president.

He was the first ambassador to Great Britain. He was an emissary to France after the war and before the Constitution was adopted.

John was the first president to have a son become a president. John Adams, lest we think him too good, too perfect, was a prime instigator for the Alien & Sedition Acts. He was human, **after all**.

ABIGAIL'S FUN FACTS AND LEGACY

Abigail was born in Weymouth, Massachusetts, in 1744, in a farming community 14 miles southeast of Boston. She was nine (9) years John's junior.

Her parents were William and Elizabeth; he was a parson; she a Quincy.

Abigail spent great amounts of time with her maternal grandmother, learning what she could, as girls were not to be educated beyond the basics.

Abigail did learn to read and write and to think deeply. Her education coming from friends, from reading books and from talking about them.

She wrote letters; her mind eager to acquire knowledge and to experiment with new ideas.

In fact, her greatest regret in life was her lack of formal education. Yet, she was thought of as, **ultimately**, one of the finest writers of her age.

Charismatic, influential, "prudent, modest, delicate, soft, sensible and active."⁸

She was cheerful and overlooked others' faults, but gossipy, but gently so.⁹

- Self-educated, largely because educated women were not wanted or needed.
- Influential
- She denounced sexual discrimination and campaigned for women's education

Abigail matched wits with John, who she found to be intimidating as to his intelligence but not by virtue of his gender.

She also matched wits with Thomas Jefferson and George Washington.

A complicated, fascinating woman even by today's standards.

Abigail amassed a fortune by her own devices and largely without the knowledge and consent **or cooperation** of her husband. She traded in European linens and war bonds.

She may be remembered for two things above all else, and in addition to being the wife of John Adams.

She wrote one letter to her husband in which she reminded John, in his efforts to draft the law of the land: "Remember the Ladies"

"And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire **you will remember the ladies** and be more generous and favorable to them than your ancestors. **Do not** put such unlimited power in the hands of husbands. Remember, **all men would be tyrants if they could**. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation." ¹⁰ (March 31, 1776)

We should also honor Abigail because of her commitment to the principle that women should be equal to men in the right to own and dispose of property. This does certainly fit nicely with seeking the right of representation, don't you think? In her quest for equality, she broke the law by writing her own will, her "act of rebellion."

Married women were not permitted to own or control real estate: "The husband and wife are one person in the law." Black's Law, 1765.

And, as such, married women were not permitted to “will” real estate. Married women did not own personal property, it was owned by their husbands who “allowed” their wives to use it.

Yet throughout her married life, Abigail gave items and money as she saw fit, mostly to female relatives and friends to compensate for their male counterparts’ failure to provide.

And in death, through her will, she did the same, with the tacit complicity of her husband and eldest son, John Quincy.

Abigail stood for and lived what she thought was right.

Abigail liberated herself from the bonds of blind faith, believing ever more increasingly in the thought processes of every individual.¹¹

Certainly a legacy we can honor by emulating in our own lives.

THE LEGACY OF JOHN ADAMS

We celebrate this Law Day with the history, the memory of John Adams, noting with exception his work in defending Captain Preston and the eight soldiers under his command at the incident history calls the “Boston Massacre.”

Five Bostonians ultimately perished as a result of this 1770 “massacre.”

No one would take the case to defend the accused. Everyone knew a defense lawyer would be “hazarding his hard-earned reputation and incurring a clamor and popular suspicions and prejudices”¹² by taking on the defense of British soldiers accused of murdering Boston citizens.

Abigail was pregnant with son Charles. The safety of John’s family was in serious question given the emotions in Boston.

John did agree to take the case, to defend the Captain and his men, with the assistance of fellow lawyer Josiah Quincy.

There were two trials, one for Captain Preston, the other for his soldiers.

Captain Preston was acquitted of giving the order to fire. Six of the eight soldiers were acquitted, as well, and two found guilty of manslaughter. Their punishment – branded thumbs.

John was paid the sum of 18 guineas – a pittance by any standard. He did not defend them for the money.

Why did John Adams, a friend of The Sons of Liberty, a patriot, a champion against British Injustice take on this defense?

There are several reasons we know of, from John Adams himself and from the noted biographers of his life. **In his own words**: “The reason is, because it’s of more importance to community, that innocence should be protected, than it is, that guilt should be punished.”¹³

“No man in a free country should be denied the right to counsel and a fair trial.”¹⁴

There would be liberty and order in Boston, “mob rule” was no rule. The other colonies would follow suit and anarchy would reign. Boston, and Massachusetts, needed the other colonies’ support and an alliance against England was necessary.

If the soldiers were convicted without a fair trial, without a capable and meaningful defense, then what of the protection of any Massachusetts citizen?

Under what law?¹⁵

Captain Preston was acquitted of ordering his men to shoot; 2 soldiers found guilty of manslaughter, a “win” for Adams, **for the rule of law**, by most accounts.

As John Adams addressed the jury in his closing argument in the trial of the soldiers:

“Facts are stubborn things, and whatever may be our wishes, our inclinations, or the dictums of our passions, they cannot alter the state of facts and evidence.”¹⁶

We **must** be a nation of laws, **not** of men and women. We **must** all be treated equally **and** in order to insure that treatment, **capable** and **competent representation** must be provided to **protect liberty**.

Adams later said of his defense, it was “one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I rendered my country.”¹⁷

Note that he spoke of serving his country – serving the system of laws – putting to test the prosecution of British Soldiers for killing fellow countrymen in order to demonstrate the strength of the system of laws.

Every historian well knows, in the end, it is not brilliance but rather judgment that separates the great leaders from the routine.¹⁸

Ben Franklin said of Adams, a man who “means well for his country, **is always an honest man**, often a Wise One, **but sometimes** and **in some things, absolutely out of his senses**.”¹⁹

Thomas Jefferson, too, spoke of Adams, calling him smart, dedicated, a man of integrity but also “uncommonly vain.”²⁰ A man who “moved hearers from their seats.”²¹

John Adams’ legacy certainly includes his defense of the British soldiers but his the legacy is much larger, much more important to us, to our system of government and our application of the principle of law.

John Adams was a political scientist in the period of Enlightenment. He recognized that **the Creator** did not create men equally. That men were moved by **passions; passions** for **wealth**, for **praise** and **driven by ambition**. There have always been wiser, bolder, and more talented men and women. There are and have always been **rich** and **poor, laborious** and **idle, learned** and **ignorant**. Nature had “wrought the passions into the texture and essence of the soul” and neither education nor virtue, or both could destroy them.”²²

These inequalities are rooted in man by nature. They are “common to every people, and can never be altered by any, because they are founded in the Constitution of nature.”²³

“The love of gold grows fatter than the heap of acquisition.”²⁴

Given the inherent inequalities of man and woman, and that they were immutable, the only way to address them in a civilized society was to observe a system of laws, not a system of men, where all were treated equally and the “all” were the giver of the power, the giver of the law.

“In history, nearly all leaders who have given birth to new nations..., were, to one extent or another **fanatical**. They had to be. These individuals share common traits:

- Stubborn
- Steel-willed
- Driven
- Secretive
- Fastidious
- Zealous
- Short-tempered

Each in his own way, was a **profound dreamer, prepared to act alone, without encouragement**, relying solely on his own **inner resolve**.

“Indifferent to approval, reputation, wealth, or even love, they cherished their personal sense of honor, which they allowed **no one else to judge**.”²⁵

Charles Francis Adams, editing his grandfather’s papers, in the mid- 19th century reminds us to never lose sight of the fact that the founding fathers were human, like you and me:

“We are beginning to forget that the patriots of former days were men like ourselves....and we are almost irresistibly led to ascribe to them in our imaginations certain gigantic proportion and superhuman qualities, without reflecting that this at once robs their character of consistency and their virtues of all merit.”²⁶

John Adams’ legacy is not only that he stood for and defended those most unpopular British Soldiers accused of murdering Adams’ own fellow Bostonians, but also, and in a much larger sense, that **he believed in and championed the rights of individual men versus government.** That “Government bore an intimate relation to society, and unless the two were reconciled, no state could long remain.”²⁷ The ultimate authority to be governed comes from those governed.²⁸ “We the people....”

Thank you

REFERENCES

¹ “American Creation,” page 9, Joseph J. Ellis

² “American Creation,” page 9, Joseph J. Ellis

³ Ibid.,

⁴ “John Adams,” page 30, David McCullough

- ⁵ “John Adams,” page 31, David McCullough
- ⁶ Ibid.,
- ⁷ Ibid.,
- ⁸ “Abigail Adams,” page 13, Woody Holton
- ⁹ Ibid.,
- ¹⁰ “American Creation,” page 39, Joseph J. Ellis
- ¹¹ “American Creation,” pxiii, Joseph J. Ellis
- ¹² “John Adams,” page 66, David McCullough
- ¹³ “John Adams,” page 68, David McCullough
- ¹⁴ Ibid., page 66
- ¹⁵ Ibid., page 68
- ¹⁶ Ibid.,
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- ¹⁸ “April 1865,” page 141, Jay Winik
- ¹⁹ “Revolutionary Characters,” page 177, Gordon S. Wood
- ²⁰ Ibid., page 177
- ²¹ “John Adams,” page 650, David McCullough
- ²² “Revolutionary Character,” pages 183-185, Gordon S. Wood
- ²³ “Revolutionary Character,” page 182, Gordon S. Wood
- ²⁴ “John Adams,” page 182, David McCullough
- ²⁵ “April 1865: The Month that Saved America,” page 333, Jay Winik
- ²⁶ “American Creation,” page 7, Joseph J. Ellis
- ²⁷ “Thoughts on Government,” John Adams, as quoted in “Revolutionary Characters,”
page 179, Gordon S. Wood
- ²⁸ “Revolutionary Characters,” page 192, Gordon S. Wood