

Documents: Writs of Assistance

Name: _____

Time: _____

Date: _____

Directions: Analyze the document. Spelling and grammar are a part of the grade.

Background: For years, colonial merchants smuggled trade goods to avoid paying British taxes. To enforce British trade laws, in 1760, the Crown approved the use of Writs of Assistance—general search warrants that allowed officials to search any property for illegal goods without reasonable suspicion that a crime had been committed or be held accountable for any damage caused in the search. Lawyer James Otis agreed to defend outraged Boston merchants. Although he lost the case, Otis’ defense of liberty inspired many future Patriots including John Adams.

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. . . .

Your Honors will find in the old books concerning the office of a justice of the peace precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed; and will find it adjudged that special warrants only are legal. In the same manner I rely on it, that 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. . . .

Now, 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. . . .

But to show another absurdity in this writ: if it should be established, I insist upon it every person . . . has this power as well as the custom-house officers. The words are: "It shall be lawful for any person or persons authorized," etc. What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house, may get a Writ of Assistance. Others will ask it from self-defence; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

James Otis

Central Ideas. A central idea is the overall topic of the entire piece. Main ideas are important topics that support the central idea.

1. What is the central idea of James Otis’ argument?
 - E. A person’s home is his castle.
 - H. The Writs of Assistance are an absurdity.
 - O. The Writs of Assistance will result in violence.
 - Y. The Writs of Assistance violate the rights of colonists.

2. What is the main idea of paragraph three?

- E. Only warrants that are specific to where and what is to be searched are legal.
- H. General warrants are acceptable as long as a justice of the peace approves it.
- O. The liberty of the people is not threatened by the general writs of assistance.
- Y. General warrants should legally allow officers to search property.

Words in Context. Define words based upon how they are used in the writing.

“This writ, if it should be declared legal, would totally annihilate this privilege.”

3. What does the word “writ” mean as it is used in the quote above?

- D. an illegal document
- I. a form used by lawyers to force someone to go to court
- L. a document to command one to act or not to act
- Q. to do away with

Facts vs. Opinions vs. Reasoned Judgment.

Fact: A conclusion that can be proven true and/or is absolutely accurate to all people involved.

Opinion: belief or preference about something that cannot be proven or accepted by all people.

Reasoned Judgment: a conclusion based upon facts and evidence that may not be entirely accurate.

The Writs of Assistance was the worst law ever recorded in an English law book.

4. Identify the statement above as fact, opinion, or reasoned judgment.

- A. fact
- N. opinion
- Z. reasoned judgment

Textual Evidence. Choose all that apply.

5. What outcome(s) does Otis predict if the writs of assistance are declared legal?

- E. a person’s home is their castle
- H. customs officials can enter homes anytime they want for any reason
- O. the writs are necessary to English liberty
- Y. people will abuse the writs that will eventually lead to riots and violence

Point of View. What people include or leave out of their writings and speeches can reveal much about them and what they think.

6. Circle T if the statement is true; circle F if the statement is false.

- T F James Otis believes that government should be limited in what it can do.