



Writs of Assistance

Grade level: 9–12

Time estimate: 1 50- to 70-minute class period

BY STACI GARBER

Lesson overview:

Students will warm up by responding to a hypothetical situation in which they are engaging in economic activity that violates the school's rules and results in increased scrutiny. Next, students will analyze images to describe the economy of Boston and then read a background essay designed to explore the vocabulary in context. Students will work together to define the vocabulary before reading a primary source in which James Otis defends the colonists against British enforcement policies. Finally, students will address an exit ticket relating economic rights to basic liberties.

Objectives:

- Students will learn to explain how economic rights are related to other liberties, such as freedom from unreasonable search and seizure, by describing how American colonists were affected by British trade restrictions and enforcement.

Vocabulary:

- Mercantilism
- Salutary neglect
- Scrutiny
- Smuggling
- Surveillance
- Triangular trade
- Writs of assistance

Materials:

- Hypothetical warm-up
- Image analysis
- Vocabulary in context reading
- Vocabulary in context organizer
- James Otis excerpt
- Exit ticket

Prework:

This lesson involves working in pairs. If you have taught microeconomic concepts, some of the answers here can be supported by graphs. However, this lesson describes these concepts without depending on or drawing the graphs. Students should also have a preexisting knowledge of the French and Indian War.

Warm-up:

- I. Distribute the warm-up and have students read the hypothetical and answer the questions.
 - A. Last month, your friend group decided to do something silly at lunch, so you brought a five-course potluck meal with silverware, a fancy tablecloth, and cloth napkins from home. Your friends even brought electric candles to make the meal feel truly fancy. While your friends brought plates, napkins, silverware, a tablecloth, beverages, and vegetables, you were responsible for the main course. It was so delicious that all the students around your table became jealous. Word was out that you were an excellent chef, and so a business was born. Since then, you have allowed other students to order custom hot meals that you made and packed at home, stored in an insulated bag in a teacher's classroom, and distributed before lunch. But the cafeteria workers have a monopoly on sales in the cafeteria, so what you were doing violated school rules. Nevertheless, several teachers bought meals from you, and the teacher who stored the bag received a cut of your profits, which were sizable. Everything was going great until someone called the school administration and told them you were engaging in these transactions. The administrators asked you to show them your bag, and they found your homemade

food, a list of orders, and cash. The school released a statement that students are not allowed to engage in business transactions on school property, and they demanded that you end your business immediately. They asked that you show them your school bag and locker every day for the rest of the school year, stating that they need to ensure all students are eating the nutritious food the cafeteria provides.

B. How did your business affect the market for lunch at your school?

1. The business diversified the offerings available at school lunch. It gave students more choices but decreased the number of students buying lunch from the cafeteria.
2. When students are reporting out, you may want to support this answer with microeconomic graphs for substitute goods. If the homemade food acts as a substitute good for the cafeteria food, demand for cafeteria food will decrease, which will also decrease the quantity of cafeteria food. This should reduce prices, which means the cafeteria is losing money.

C. Besides you and the teacher you paid, who benefited from your lunch business? Why?

1. Customers, both students and teachers, benefited from the business.
2. Customers enjoyed a greater variety in their lunch options and likely better food.

D. Who was hurt by the business operation? Why?

1. The cafeteria and school were hurt by the business operation because the cafeteria could not sell as much food.
2. See explanation 2 for the first question.

E. Do you think the school reacted appropriately to your violation of the rules? Why or why not?

1. Answers will vary.

2. Most students may see the reaction as unnecessarily harsh.
- II. Have students share and compare their answers with a partner. Have each pair report out an answer to at least one question.
 - III. Discuss with the class how this relates to the colonial situation in Boston during the French and Indian War.
 - A. The British Empire was a mercantile empire, which meant that the colonies were expected to provide raw material to fuel British industry and to consume British manufactured goods. The British enforced this economic system through the Navigation Acts prior to the war. As the war ensued, this exacerbated tensions between the British and the colonists.
 - B. The colonies of North America were importing illegal goods and avoiding British taxation.
 - C. The British government was largely unaware of these violations until British troops were stationed in port cities during the French and Indian War.
 - D. Given the expenses of the war, the British cracked down on colonial trade to generate tax revenue, which it needed to fund the war efforts that would, in essence, protect the colonies from the French and their indigenous allies.

Lesson activities:

- I. Image analysis
 - A. Distribute the image analysis and have students work in pairs to answer the questions.
 1. According to the images, how would you describe the economy of Boston?
 - a) Boston appears to be involved in shipping and international trade.
 - b) The first image depicts ships in Boston Harbor. The second image is of the harbor itself. The third image illustrates trade

routes.

2. After looking at the images, how would you describe the relationship between Boston and Britain?

- a) Boston and Britain are trade partners.
- b) The third image shows the trade routes between Britain and Boston, but the fourth image depicts a war.

3. How might Britain's relationship to Boston have changed during the French and Indian War?

- a) War might have disrupted trade.
- b) Boston falls within the fourth map. This means it was within the locus of war, which would have disrupted trade.

4. If the people of Boston were breaking British trade regulations before the French and Indian War, how might the war have changed that? Why?

- a) If British troops were based in Boston for the war, they might have been able to block illegal trade.
- b) Images 3 and 4 indicate that trade goes through the war area.

5. Why would Britain have been especially interested in enforcing its trade rules during a time of war?

- a) The British government needed money to conduct the war.
- b) Image 3 is titled "Greed," which means that these trade routes existed to enrich a specific group. In the case of mercantilism, this was the empire.

B. Have pairs report out to check for understanding and economic thinking.

II. Vocabulary in context

A. Distribute "Vocabulary in Context" reading and organizer

1. Have students work in pairs to identify the vocabulary words embedded in the reading in bold.
 - a) For each word, they should identify how the word is used in a sentence.
 - b) They should develop a rough definition for each word.
 - (1) Mercantilism: An economic theory in which imports are minimized and exports are maximized.
 - (2) Salutary neglect: Allowing the colonies to self-govern to a degree.
 - (3) Scrutiny: The act of paying close attention to something.
 - (4) Smuggling: The act of avoiding trade regulations or taxes by importing things illegally.
 - (5) Surveillance: Overseeing, often by invasive means.
 - (6) Triangular trade: A system in which European countries exchanged manufactured goods with Africa for enslaved people, who harvested raw materials in the Americas to manufacture goods in Europe.
 - (7) Writs of assistance: General warrants that allowed officers broad power to search and seize property.
 - c) Each pair should provide an example; these examples may vary.
2. Have pairs report out findings to check for understanding and to refine definitions.

III. "Writs of Assistance" excerpt

- A. Distribute "Writs of Assistance" excerpt. This is a fun one to dramatically read out loud if a student volunteer will do so.
- B. Have students read through the primary source and circle words that are unfamiliar.
 - 1. Have students talk about these words in pairs to determine the meaning of the words from context.
 - 2. If you have a one-to-one environment, you may allow students to look up words.
 - 3. Check to see if the students understand the basic meaning of the text.
- C. Have students read through a second time and underline examples of misuse or abuse of the writs of assistance.
- D. Ask students to address this question: According to James Otis, how might someone use claims of smuggling to deprive people of other rights? Do these claims have to be accurate?
 - 1. Otis provides the example of a man who was accused of violating the holy day of rest and had his entire house searched by the government as a display of power. This had nothing to do with economic wrongdoing.
 - 2. Otis suggests that people will use these writs against their neighbors for a range of things that have nothing to do with economic wrongdoing.
- E. Otis lost the case to defend the colonists from writs of assistance. Why do you think that John Adams considered his efforts the beginning of the Revolutionary War?
 - 1. Answers will vary.
 - 2. Colonists felt that their basic rights had been violated.
 - 3. If students are struggling to answer, remind them of the warm-up.
- F. What elements of this excerpt from Otis set the precedent for some of the grievances in the Declaration of Independence? While the writs are not

called out specifically, how do the concerns outlined by Otis mirror those in the Declaration?

1. The words “officers” and “harass” should be the most obvious clues, even though the last part is a reference to the Quartering Act. There is also an entire grievance dedicated to the Quartering Act.
2. Concerns about privacy and property protections.

G. Have students engage in a class discussion to check for understanding.

IV. Writs of assistance formative assessment exit ticket

- I. Using the ACE (answer, cite, explain) format, in a paragraph, describe how the economic policy that evolved from the French and Indian War shaped colonial attitudes toward the British government and paved the way to the Revolution.

Writs of Assistance

Hypothetical warm-up

Directions: Read the hypothetical situation below and respond to the questions below.

Last month, your friend group decided to do something silly at lunch, so you brought a five-course potluck meal with silverware, a fancy tablecloth, and cloth napkins from home. Your friends even brought electric candles to make the meal feel truly fancy. While your friends brought plates, napkins, silverware, a tablecloth, beverages, and vegetables, you were responsible for the main course. It was so delicious that all the students around your table became jealous. Word was out that you were an excellent chef, and so a business was born. Since then, you had allowed other students to order custom hot meals that you made and packed at home, stored in an insulated bag in a teacher's classroom, and distributed before lunch. But the cafeteria workers have a monopoly on sales in the cafeteria, so what you were doing violated school rules. Nevertheless, several teachers bought meals from you, and the teacher who stored the bag received a cut of your profits, which were sizable. Everything was going great until someone called the school administration and told them you were engaging in these transactions. The administrators asked you to show them your bag, and they found your homemade food, a list of orders, and cash. The school released a statement that students are not allowed to engage in business transactions on school property, and they demanded that you end your business immediately. They asked that you show them your school bag and locker every day for the rest of the school year, stating that they need to ensure all students are eating the nutritious food the cafeteria provides.

1. How did your business affect the market for lunch at your school?

2. Besides you and the teacher you paid, who benefited from your lunch business?
Why?

3. Who was hurt by your business operation? Why?

4. Do you think the school reacted appropriately to your violation of the rules? Why or why not?

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Image Analysis

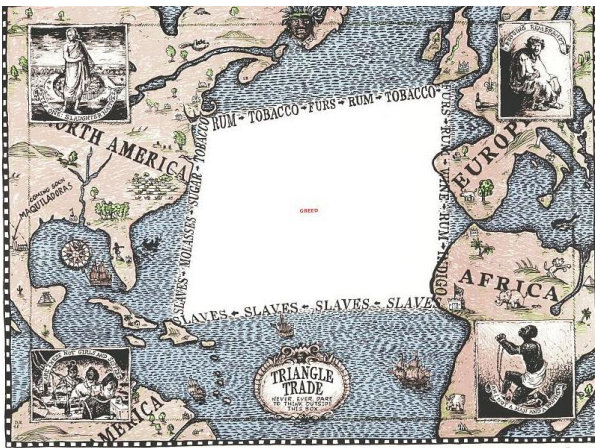
The top left and right images are drawings of Boston viewed from the Atlantic coast. The bottom left image, titled *Greed*, is a political cartoon depicting Europe, Africa, the Caribbean, and North America at the corners of a rhombus made of the names of traded goods. The center of the rhombus bears the word "greed." The bottom right image is a map of the North American locus of the French and Indian War, part of the broader Seven Years' War, fought from 1754 to 1763. Use these four images to describe the economy of Boston and explain why it might have come under greater scrutiny or surveillance during the French and Indian War, which involved Britain and France.



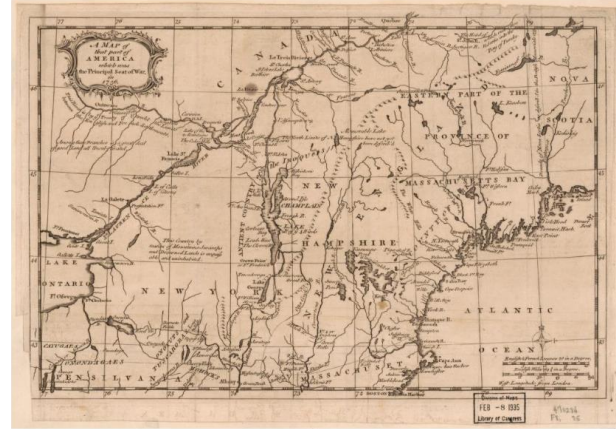
John Carwitham, *A South East View of the Great Town of Boston in New England in America*, between 1730 and 1760, photograph, retrieved from the Library of Congress, no. 2004671510, www.loc.gov/item/2004671510/.



George H. Walker & Co., *Boston and Environs*, 1905, map, retrieved from the Library of Congress, no. 75694560, www.loc.gov/item/75694560/.



Jos. Sances, *Greed—Triangle Trade*, photograph, retrieved from the Library of Congress, no. 2022667141, www.loc.gov/item/2022667141/.



A Map of That Part of America Which Was the Principal Seat of War in 1756, map, 22 x 33 cm, retrieved from the Library of Congress, no. 82693309, www.loc.gov/item/82693309/.

PART I:

1. According to the images, how would you describe the economy of Boston?

2. According to the images, how would you describe the relationship between Boston and Britain?

PART II: MAKING PREDICTIONS

3. How might Britain's relationship to Boston have changed during the French and Indian War? What in the images might change?

4. If the people of Boston were breaking British trade regulations before the French and Indian War, how might war have changed that? Why?

5. Why would Britain be especially interested in enforcing its trade rules during a time of war?

Writs of Assistance

Vocabulary in Context

Long before the American Revolution dissolved the “political bands” that connected the colonies with Britain, a series of events rocked the peaceful economic relations that had characterized the American colonial experience. A 1761 argument over the legality of the **writs of assistance** would loosen the threads of the cohesive fabric that once united Britain and its North American colonies. Years later, John Adams would identify this period as the beginning of the American Revolution.

The North American colonies grew under Britain's economic policy of **mercantilism**, a system that minimizes imports and maximizes exports, in which colonies provide the raw materials that fuel economic production in the mother country in exchange for military protection and manufactured products. The British Empire was one of many involved in a system of **triangular trade** in which manufactured goods from Europe were sold to Africa in exchange for enslaved people, who grew, harvested, and processed the raw materials being developed in the broader Americas. These raw materials, including sugar, rum, cotton, tobacco, and lumber, were then shipped to Europe to be turned into manufactured products.

Settlements along North America's Atlantic coast developed into thriving cities with merchants, shipbuilders, and craftspeople. The enterprising spirit and economic thirst of the colonists outgrew Britain's ability to satisfy the colonists' needs. The relationship between the colonies and the mother country was one of **salutary neglect**, meaning Britain largely ignored the American colonies as long as they produced raw materials and income for the crown. American colonists were accustomed to governing themselves, but they were also accustomed to violating British trade restrictions by importing goods and services produced outside the empire. British customs officials were often willing to look the other way if they were bribed or had friendly relationships with the colonists.

From 1754 to 1763, a European conflict between Britain and France spilled into their respective colonies in North America. Known as the French and Indian War in the colonies, the conflict brought British troops into colonial capitals along the coast. Many of the cities hosting British forces were also thriving port cities actively engaged in **smuggling**, illegally importing goods to avoid British trade restrictions and taxation. For the British, every time the colonies smuggled from outside the empire, the crown lost revenue. The cost of defending the colonies from French rivals and their indigenous allies added injury to insult.

The British government began to issue **writs of assistance**, a British legal tool that had existed for nearly a century. These were general warrants that allowed officers to

search and seize contraband items without a detailed description of what was to be seized. These general warrants opened shippers and merchants to a new level of **scrutiny**, as their property could be searched or seized at any time for any whisper of impropriety. This created a culture of **surveillance** in which British officers were encouraged to carefully watch every transaction and to use their increased presence and power to seize property and bring colonial trade back within the empire.

The most vocal resistance to the **writs of assistance** came from a lawyer who had originally been asked to defend them. According to John Adams, James Otis's attack on the writs of assistance marked the first blow in the American Revolution. Colonists came to understand that their property rights and economic liberty were inherently tied to other basic rights and liberties they held dear. They would never be able to govern themselves effectively under such economic restraints. They could never limit a government that had such tight controls over the market, and they certainly could never expect privacy from a government that controlled economic production and consumption.

Writs of Assistance

Vocabulary in Context organizer

Word	Use in context	Meaning	Example
Mercantilism			
Salutary neglect			
Scrutiny			
Smuggling			
Surveillance			

Triangular trade			
Writs of assistance			

Writs of Assistance

JAMES OTIS EXCERPT

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 villany 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.

A man's house is his castle; and while 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 wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pue had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the person to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, Yes. Well then, said Mr. Ware, I will show you a little of my power. I command you to permit me to search your house for uncustomed goods. And [Ware] went on to search his house from the garret to the cellar; and then served the constable in the same manner. But to show another absurdity in this writ; if it should be established, I insist upon it, every person by the 14 Charles II has this power as well as 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. Again, these writs are not returned. Writs in their nature are temporary things. When the purposes for which they are issued are answered, they exist no more; but these live forever; no one can be called to account. Thus reason and the constitution are both against this writ. Let us see what authority there is for it.

According to James Otis, how might someone use claims of smuggling to deprive people of other rights? Do these claims have to be accurate?

Otis lost the case to defend the colonists from writs of assistance. Why do you think John Adams considered his efforts the beginning of the Revolutionary War?

What elements of this excerpt from Otis set the precedent for some of the grievances in the Declaration of Independence? While the writs are not called out specifically, how do the concerns outlined by Otis mirror those in the Declaration?

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Exit Ticket

Using the ACE (answer, cite, explain) format, in a paragraph, describe how the economic policy that evolved from the French and Indian War shaped colonial attitudes toward the British government and paved the way to the Revolution.
