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.
—James Otis, 1761

James Otis strode confidently into the Boston coffee house on this afternoon of 1769. An anti-British activist, Otis was a hero to many Americans in the city. He had won praise years before for his denunciation of writs of assistance (broad search warrants that British officials used to search the homes and businesses of colonists). Otis had argued that the writs violated the natural and English rights of Americans. He continued to harshly criticize the British for acts of tyranny throughout the 1760s. But Otis’s bold speeches and cutting essays had made him powerful enemies among the British officials of the colony. Several such people were in the coffee house this day, and they eyed Otis angrily as he sat down at a table with several Patriot allies.

One of the British officials suddenly got up from a nearby table and approached Otis, raising his cane in the air. Otis recognized him as a man he had attacked by name in a newspaper essay. Before he could react, the official brought the cane down upon Otis’s head, knocking him to the floor. Otis was struck several more times before his friends could react and restrain the enraged official. Mayhem ensued in the coffee house, as a fight broke out between Patriots and British officials. During the brawl, Otis lay unconscious on the floor, blood spilling from his head. The attack would end not only Otis’s public career, but also his chance to be remembered among the foremost heroes of the American independence movement.

Background
James Otis was born on Cape Cod, Massachusetts, on February 5, 1725. He was the first of thirteen children. One of his sisters, Mercy, would become famous as a champion of the Patriot cause and as the author of a history of the American Revolution. Otis’s father was a prominent Massachusetts politician. Young Otis attended Harvard College, graduating in 1743. He began the study of the law shortly afterward and was admitted to the bar in 1747.

In 1750, Otis moved to Boston, where he established a successful law practice. Six years later, the royal governor of Massachusetts appointed him an advocate general in the Vice Admiralty Court. Decisions were rendered by appointed royal judges, not by citizen juries. This generated resentment among Americans. Many cases heard by the admiralty courts involved smuggling, a common activity among American merchants seeking to skirt British taxes and restrictions.

In 1751, the British Parliament approved a new tool to aid customs officials in stopping smuggling: writs of assistance. Writs of assistance were search warrants that gave customs officials broad authority to inspect ships, warehouses, and even private homes. Officials did not have to present evidence to a judge before a search was conducted. They also did not have to specify what they were looking for. Writs of assistance soon became one of the chief complaints of the colonists against the British government.

James Otis
The Writs of Assistance Case
Otis was troubled by the broad authority granted inspectors by the writs. When his father was passed over for the job of Chief Justice of the Massachusetts Superior Court, Otis decided to turn against the British authorities. In 1761, he resigned his post and allied himself with Boston merchants who were mounting a legal challenge to the renewal of the writs by the new king, George III.

In a five-hour-long speech to the court, Otis referred to traditional English rights in condemning the writs. “Now one of the most essential branches of English liberty is the freedom of one’s house,” Otis told the court. “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.”

Otis also made a more radical argument, citing natural law to condemn the writs. He asserted that every man possessed the inalienable rights of life, liberty, and property, which could not rightfully be taken away by anyone without consent or due process. Taking this argument to its logical conclusion, Otis condemned slavery as a violation of the rights of the enslaved. John Adams, who observed the speech, would later claim that Otis’s speech marked the start of the American Revolution.

The Rights of the British Colonies
Otis lost the case, and the writs of assistance were renewed. But Otis became a hero among Americans, who were emboldened to challenge the use of writs by customs officials. Otis was elected to the Massachusetts legislature in 1762. The following year, the French and Indian War came to an end. The British government announced that it would attempt to raise revenues from the American colonies to help pay for their defense.

Otis took the lead in opposing British efforts to tax the colonies. He soon became an ally of Samuel Adams and John Hancock, two of the leaders of the Patriot movement in Boston. Otis headed the Massachusetts Committee of Correspondence, which distributed information and criticized British policies toward colonists. He gave speeches and wrote essays in defense of American liberty.

In 1764, Otis published *The Rights of the British Colonies Asserted and Proved*. In this pamphlet, Otis argued that the British government had no right to tax the colonies because they were not represented in Parliament. Otis argued that British taxation of the American colonies “is absolutely irreconcilable with the rights of the colonists as British subjects and as men.” Otis again championed the natural rights of Africans. “The colonists are by the law of nature freeborn,” he asserted, “as indeed all men are, white or black.” Otis condemned slavery as “the most shocking violation of the law of nature” and declared that it “makes every dealer in it a tyrant.”

Madness and Death
Otis played a leading role in the Stamp Act Congress of 1765. In 1767, he and Samuel Adams wrote a circular letter to the other colonies, coordinating resistance to the Townshend Duties. Otis also continued to write newspaper essays about the tyranny of British officials.

Otis’s boldness in asserting the rights of American colonists made him many enemies. When he was elected speaker of the Massachusetts General Court in 1766, the governor vetoed the decision. Three years later, Otis was physically attacked in a Boston coffee
house by a customs official whom Otis had criticized in the *Boston Gazette*. The official beat Otis’s head with a cane, fracturing his skull and causing permanent brain damage. For the remaining fourteen years of his life, Otis suffered from periodic insanity. He had always been an eccentric man, nervous and volatile. But he was now unfit to participate in public life on a regular basis. In his last years, Otis often wandered the streets of Boston, talking to himself and ranting aloud to no one in particular. In May 1783, he was struck and killed by lightning. A central American figure of the period 1760–1770 faded into obscurity.