

## OPINION

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# A lawyerly disclaimer



By R. Marc Kantrowitz

In researching my next book about the most influential state court in American history, I was surprised at how little people know about past events, even famous ones, and what little they do know is often wrong. Myself included.

As a writer, as opposed to an historian, in search of a good story, my fear is that I will perpetuate the myths and misconceptions. History is, after all, an after-the-fact retelling of a story often clouded even at the time of its occurrence.

My view is further colored by my belief that people are generally the same today as they were hundreds of years ago: the smart, wise and generous vying against the petty, vengeful and stupid. At times, intelligent people do dumb things, and wise people act foolishly.

With this in mind, and with apologies to all historical figures unintentionally maligned, let us turn our attention to our next tale, this one about a great national hero.

### Paul Revere: American thief

The print shown here is the most famous one depicting the Boston Massacre, a tragedy grimly depicted in the Boston Gazette as one in which "the streets of Boston have ... been bathed with the BLOOD of innocent Americans."

At the bottom of the drawing is the following: "Engrav'd Printed & Sold by Paul Revere Boston." Used in the prosecution of the British soldiers, it served as both good evidence and great propaganda.

Paul Revere was one of our most illustrious Americans. The multi-talented Revere seemingly did it all. He was a gifted engraver, a noted silversmith, a successful businessman and the creator of the first rolling copper mill in all of America.

Immortalized in Longfellow's poem about one famous midnight ride, the poem somehow fails to note the more mundane aspects of the journey — that Revere was but

one of many Patriots riding throughout the countryside; that the warning shouted out was not the catchy "the British are coming," but something far more mundane, something along the lines of: "the regulars are out"; and that Revere was captured and did not complete his mission.

If our collective memories have been somewhat blurred about the ride in 1775, perhaps Revere's rendering of the shooting on March 5, 1770, is more accurate.

Not likely.

While the moon is clearly shown in the upper left-hand corner, the scene is clear and bright, far from the real conditions on that cold, bitter night. It was dark, at 9 p.m. There was also a foot of frozen snow on the ground.

## LAW 'n HISTORY



Captain Preston shown with his sword drawn was more likely by the side, or even initially in front, of his eight soldiers — not the seven as shown. The white victim on the ground closest to the troops was most likely Crispus Attacks, either a black man or an Indian, or a combination of both.

It is also highly unlikely that the dog would have been so casually viewing the proceedings.

While it is a bit difficult to discern, a musket, complete with a burst of smoke, is seen protruding under the "B" of Butcher's Hall on the right-hand side of the drawing. While the hall was in fact the Custom House, the witness who testified as to seeing gunfire from that window was the person mostly severely punished, for perjury, in the entire affair.

Only two of the soldiers were convicted — of manslaughter — and they were not sentenced to jail.

So the scene depicted was a little off, or in the view of others, wholly inaccurate. Certainly understandable, perhaps given the wild melee (also not shown) on a dark night.

How, then, did the picture come to be? How and under what circumstances did the gifted Revere draw it?

He didn't.

Its true artist was the talented Henry Pelham, the half brother of the far more famous John Singleton Copley. Pelham produced the drawing, which found its way to Paul Revere, who either (kindly) produced his own version of the events or (unkindly and far more likely) stole Pelham's work.

Revere issued a work in his own name without any mention of the original artist, resulting in this observation in Pelham's March 27 letter to Revere:

"You [have] plundered me ... If you are insensible of the Dishonour you have brought on yourself by this Act, the World will not be so."

Unfortunately for Pelham, the world was.

Perhaps drawing some comfort, Pelham sits forever as the boy in Copley's famous painting, "A Boy with a Flying Squirrel," in Boston's Museum of Fine Arts. Sadly for him, he shares space with the man who stole from him, Paul Revere.

*Judge R. Marc Kantrowitz sits on the Appeals Court. He currently is writing a book on the history of the Supreme Judicial Court.*