

The Amistad Case and Its Consequences in U.S. History

by Clifton H. Johnson

Introduction

Set in the floor of the rotunda of Savery Library at Talladega College in Alabama is a bas-relief of the ship *La Amistad*. It is a tradition at the college that the plaque is never stepped upon. On the walls are three dramatic and colorful murals by Hale Woodruff that depict the revolt, trial, and return to Africa of the Mendians who were the central characters in what is commonly known as the Amistad Incident.

Talladega is one of nine prestigious American institutions of higher learning existing today that trace their heritage to the Amistad Incident. Other institutions that share this heritage include Ryder Hospital in Puerto Rico, which celebrated its seventy-fifth anniversary in 1989, and the Amistad Research Center, a major archive for the study of America's ethnic history located on the campus of Tulane University in New Orleans. Poems have been written about the incident, notably by William Cullen Bryant, Robert Hayden and Oscar Bouise. In addition to numerous published historical accounts, two novels, one "comic" book and at least three film scripts based on the incident have been written. The noted composer Hale Smith has written a secular cantata, *Meditations in Passage*, about it. For many Americans and Africans the Amistad case is a cherished symbol in the continuing struggle for human freedom and justice. But what was the Amistad Event and why has it continued to capture such wide interest?

The Black Schooner

In the summer of 1839, numerous ships reported sighting a long, black schooner manned by armed blacks cruising not far from the eastern shore of the United States. It was first believed to be a pirate ship. Then, a story of a slave rebellion aboard a Cuban vessel surfaced. Some American sea captains had attempted to board the ship but met such resistance from the blacks, they were forced to withdraw. Finally, the commander of the Brooklyn Navy Yard ordered a search for the mysterious vessel. On August 26, Lieutenant Richard W. Meade, on board the USS Washington, a revenue cutter, spotted the battered schooner about a mile off Long Island near Culloden Point. Meade alerted his commander, Lieutenant Thomas R. Gedney, who ordered him to seize the ship.

When Meade and his crew boarded the schooner, named *La Amistad* they found, in addition to blacks, two whites, Pedro Montes and Jose Ruiz. Meade could not communicate with the blacks, who spoke neither English nor Spanish, but he could converse with the Spaniards. He spoke some Spanish and Ruiz spoke English. He was told that *La Amistad* had left Havana two months earlier for a three-hundred-mile coastal voyage to Guanaja with a cargo of merchandise and fifty-three slaves on board, forty-nine adults being the property of Ruiz and four children, three girls and a boy, belonging to Montes. On the third night, under the leadership of one of their number, Cinque, the blacks rose in revolt and killed the cook and the captain, Ramon Ferrer, who was also the owner of the vessel. Two crew members jumped overboard; the cabin boy, Antonio, a slave of the captain, was allowed to live, as were Ruiz and Montes but only because they were needed to sail the ship to Africa. Sailing toward the rising sun during the day, as directed by the blacks, the Spaniards secretly

turned the vessel toward the northwest at night, hoping to reach American soil. Two of the blacks had been killed during the revolt and eight other adults died at sea.

Some of the blacks, including Cinque, were on shore when Meade boarded the ship. When they returned, they were seized, but not without resistance. Lieutenant Gedney then took his prize in tow and set sail for New London, Connecticut. It is not clear why Gedney chose to go to New London rather than to a New York port. It was later charged that he did so because slavery was legal in Connecticut and not in New York, which meant that salvage rights to slave property would not be considered in New York courts.¹

Arriving in New London on August 27, Gedney sent a message to the United States marshal at New Haven, who went immediately to see United States District Judge Andrew T. Judson. The two men left that day for New London. Judge Judson opened a hearing on board the *Washington* on August 29 in New London harbor with *La Amistad* only a few yards away. After Judson examined the ship's papers and heard the testimony of Ruiz and Montes, along with their request that the ship and its cargo, including the blacks, be handed over to the Spanish consul in Boston, Cinque and thirty-eight of his companions were bound over to the next session of the United States Circuit Court to be held at Hartford on September 17. The blacks were to be charged with murder and mutiny. The captives, now forty-four in number--including Antonio and the children, who were held as material witnesses--were then placed on a sloop to be transported to New Haven, where they were to be confined in jail until the Circuit Court trial. Meanwhile, Gedney and Meade had laid claim for salvage of *La Amistad* and its cargo.

The Abolitionists Take Action

At this time, the foreign slave trade in Spain and its colonies had been outlawed by treaty with Great Britain in 1817 and by royal decree of the queen in 1838. Dwight P. Janes, a Connecticut abolitionist, knew this, and the day following Judson's decision he wrote to Roger Sherman Baldwin, the distinguished attorney who would later become the state's governor and a United States Senator. Janes said that Ruiz had told one person that he had bought the forty-nine men from a foreign slave trader and then had taken them directly aboard *La Amistad*. Janes wrote, "At any rate they cannot have been at Havana long enough to become subjects of Spain. None of them can speak anything but their native language ... It seems clear that the schooner was engaged in an unlawful business." Janes said that abolitionists in New London had directed him to ask Baldwin to find some African who could speak the language of the prisoners so that they could tell their story. Janes also wrote to Josiah Leavitt, editor of the *Emancipator*, requesting that Leavitt check in New York the validity of *La Amistad*'s papers and the Spaniard's legal title to the Africans as slaves. The next day, Janes again wrote to both Baldwin and Leavitt, requesting that Leavitt ask Baldwin to take the case of the blacks.

Lewis Tappan

News of the case spread. By September 4, New Yorkers Joshua Leavitt, Simeon S. Jocelyn, and Lewis Tappan, all stalwart abolitionists,² had established themselves as a committee and were conducting a nationwide appeal for funds to provide for the legal defense and other needs of the imprisoned blacks, who, according to the three abolitionists, had been "piratically kidnapped from their native

land, transported across the seas, and subjected to atrocious cruelties." The line of defense was thus developed and counsel employed. Along with Baldwin, Seth P. Staples and Theodore Sedgwick of New York made a brilliant and distinguished defense team, but all sensed that the case would be lost if the blacks did not have the opportunity to tell their story. A desperate search began. Day after day, persons from near and far who spoke any African language were taken to see the captives. The effort was only partially successful. On September 6, Lewis Tappan brought three native Africans from New York to see the captives. One of the three, John Ferry, a native of the Kissi tribe who had spent some time in Mendi country in Sierra Leone, was able to converse with some of them to a limited extent. He was able at least to obtain sufficient facts to corroborate the contention of the abolitionists that the blacks were native Mendians who had been kidnapped in Africa and illegally sold into slavery in Havana. The abolitionists were encouraged.

Spanish Claims

Meanwhile, the Spanish government had made demands upon the United States concerning *La Amistad*. On September 6, the Spanish minister, Angel Calderon de la Barca, wrote to John Forsyth, the secretary of state. Forsyth, a former congressman and governor of Georgia, had been minister to Spain from 1819 to 1823. He was a defender of slavery. The Spanish minister told Forsyth that when *La Amistad* had been "rescued" by the Washington the vessel should have been set free to return to Cuba so that the blacks could have been "tried by the proper tribunal, and by the violated laws of the country of which they are subject." Since this had not been done, he now requested

1st. That the vessel be immediately delivered up to her owner, together with every article found on board at the time of her capture by the Washington, without any payment being exacted on the score of salvage, nor any charges made other than those specified in the (Pinckney) treaty of 1795, article 1st.

2nd. That it be declared that no tribunal in the United States has the right to institute proceedings against, or to impose penalties upon, the subjects of Spain, for crimes committed on board a Spanish vessel, and in the waters of the Spanish territory.

3rd. That the negroes be conveyed to Havana, or be placed at the disposal of the proper authorities in that part of Her Majesty's dominions, in order to their being tried by the Spanish laws which they have violated; and that, in the meantime, they be kept in safe custody, in order to prevent their evasion.

4th. That if, in consequence of the intervention of the authorities of Connecticut, there should be any delay in the desired delivery of the vessel and the slaves, the owners both of the latter and the former be indemnified for the injury that may accrue to them.

In support of this request, the Spanish minister invoked "the law of nations, the stipulations of existing treaties, and those good feelings so necessary to the maintenance of the friendly relations that subsist between the two countries and are so interesting to both." Specifically, the Spanish appeal cited four articles of Pinckney's Treaty, which had been reaffirmed by the Adams-Onis Treaty of 1819. U.S. President Martin Van Buren had no strong views on the slavery question, but he

depended upon the support of southern Democrat slaveholders and wished to maintain his position of power. And 1840 was a presidential election year. Therefore, Secretary Forsyth, on September 11, instructed United States District Attorney William D. Holabird to "take care that no proceedings of your Circuit Court, or of any other judicial tribunal, place the vessel, cargo, or slaves beyond the control of the Federal Executive." The instructions came too late, for the case had already been placed on the docket of the Circuit Court.

Salvage Claims

Before the hearing, another claim had been levied against *La Amistad* and its cargo. While on shore before their capture by the Washington, Cinque and his companions had met some seamen, including a Captain Henry Green and had tried to enlist the seamen to take them to their homeland. These seamen now entered a libel for salvage, holding that they had aided in the capture of the Africans. When the trial began on September 17, the issues before the Circuit Court, in addition to the criminal charges, were the following:

1. Lieutenant Gedney and his crew had libeled the vessel, the cargo, and Africans for salvage.
2. The libels of Green and his associates.
3. Ruiz and Montes had filed claims to the Africans as their slaves.
4. The United States Attorney of the District of Connecticut had filed an information stating that the minister of Spain had claimed of the government of the United States that the vessel, cargo, and slaves should be restored under provisions of the Pinckney Treaty. The information asked that the court make such an order, or, if it should appear that the blacks had been brought from Africa, in violation of the laws of the United States, the court would make an order for their return to Africa.
5. A claim for Antonio had been filed by the Spanish consul on behalf of the heirs of Captain Ferrer.
6. Cuban merchants, owners of part of the cargo of the vessel, had filed claims for their property, denying salvage and asserting their right to have same delivered to them under treaty.
7. The blacks, except Antonio, filed an answer, denying that they were slaves, or the property of Ruiz or Montes, and denying the right of the court under the Constitution and laws of the United States to exercise any jurisdiction over their persons, claiming that they had been kidnapped in Africa the previous April and carried illegally to Cuba.

The Courts Rule on Jurisdiction and Bail

When the trial opened, Seth P. Staples asked for a writ of habeas corpus directing the United States marshal to release the young girls from jail since they were charged with no crime. District Attorney Holabird asked the court to issue a mandate placing the matter in the hands of the president, who should decide

whether the captives ought to be delivered up to Spain or returned to Africa. Baldwin argued that the captives were not Spanish subjects, but native Africans and guilty of no crime: they had acted only in self-defense against illegal enslavement. Both the Spaniards and the Africans testified the latter through John Ferry. On the fourth day of the trial, the presiding judge, Justice Smith Thompson of the United States Circuit Court, gave his opinion: (1) neither the United States Circuit Court nor any other American court had jurisdiction over the charges of murder and mutiny in this case, since the alleged crimes had been committed on a Spanish ship and in Spanish waters; (2) the various property claims that had developed must be decided in a United States District Court; (3) the writ of habeas corpus for the release of the girls was denied while the property claims were pending.

Immediately following the adjournment of the Circuit Court, Judge Judson convened the District Court in the same room. In his opinion the property claims needed further investigation and he set the third Tuesday of November for hearing the case in New Haven. Judson was willing to release the captives on bail, since they were no longer charged with a crime, but the amount of the bail must depend on their appraisal as slaves in the Cuban market. The abolitionists refused to allow them to be given a monetary value as chattel and they were returned to jail. However, Judson then directed the United States marshal to remove them from the New Haven jail and hold them elsewhere until the trial. Eventually quarters were found for the males in Westville, and the three girls stayed in the home of the jailer, Colonel Stanton Pendleton and his wife.

The Amistad Africans File Counter Claims

In the third week of October, newspaper headlines announced that Montes and Ruiz had been arrested in New York City on warrants brought by two of the Africans charging them with assault, kidnapping, and false imprisonment. This incident was recognized by all as the work of the abolitionists, not the Africans. Conservatives were horrified; most people blamed Lewis Tappan, the real leader of the Amistad Committee and one of the nation's most determined - some said fanatical - abolitionists.

Bail for the two Spaniards was fixed at \$1,000 each. Montes paid his bail and immediately departed for Cuba, but Ruiz chose to remain in jail, hoping to create public sympathy on his behalf, an effort that was to prove successful. Forsyth instructed the U.S. district attorney to give the Spaniards all the assistance in his power. The New York Courier & Enquirer accused the abolitionists of "making sport of the law and perverting the power of the courts of justice to factious and fanatical ends." The New Haven Register said, "After the fatigues and hardship which they (Montes and Ruiz) endured on their late cruise in the Atlantic, and the personal violence and abuse they received from Cinque and his fellows, to be thus shamefully dealt with ... is abominably wicked."

The Spanish minister lodged a furious protest with the Department of State and observed that the New York courts had no jurisdiction over alleged crimes committed in Cuba. Regardless of how justifiable the charges brought against the two Spaniards might have been, it appeared that the abolitionists had made a tactical error. Even moderate antislavery men were repelled by the action. However, in spite of his comfortable quarters and the special treatment accorded him, Ruiz

apparently soon tired of his confinement. He posted bail and returned to Cuba. Neither he nor Montes attended the trial of the case in District Court.

The Africans Tell Their Story

Ferry had not been too effective in the trial before the Circuit Court, so the search for an interpreter continued until one was found who was more confident and had better knowledge of Mendi, the prisoners' native language. Josiah Willard Gibbs, professor of theology and sacred literature at Yale, had taken a great interest in the captives, and after their return to New Haven, he resumed his efforts to communicate with them. He learned to count to ten in Mendi. He then went to New York, where he walked up and down the docks counting until he found a person who understood him. The man's name was James Covey and he was a seaman on the British warship *Buzzard*, which had been on slave patrol and had put into New York for supplies. Covey was about twenty years old and a native Mendi. He had been captured and sold as a child but before reaching America had been rescued by the British patrol. Since then he had lived in Freetown, Sierra Leone. He spoke and thought in English, but he did remember his native tongue. Professor Gibbs took Covey to New Haven, along with another sailor he had found who had some knowledge of Mendi. The African then began to fill in the details of their story, which was corroborated by Spanish documents and a deposition taken from Dr. Richard Robert Madden, a member of the Anglo-Spanish Commission charged with the suppression of the African slave trade.

The Mendians of *La Amistad* had been among five or six hundred Africans purchased by a Portuguese slave trader the previous April from Pedro Blanco, who operated a notorious slave factory on the island of Lomboko, south of Freetown. They had been brought from Africa on board the Portuguese slaver *Tecora* to Havana, where they were moved under cover of darkness to a barracoon outside the city and advertised for sale. Ruiz and Montes purchased the fifty-three slaves and transferred them to *La Amistad* before setting sail from Havana on June 28. The ship also carried a full cargo of dishes, cloth, jewelry and other luxury items and staples. The cargo was insured for \$40,000. Ruiz insured the forty-nine men for \$20,000, and Montes carried insurance of \$1,300 on the four children. Normally the trip to Guanaja could be made in less than three days, but the winds were not good and the schooner had not gone far when, on the third night, the Africans revolted. As it followed its zigzag course, east by day and northwest by night, food and water were soon exhausted. Now and then meager food supplies were acquired, sometimes from another ship and sometimes from the islands they encountered, but the Africans soon suffered hunger, exposure, the bloody flux and other illnesses, resulting in part from having eaten various medicines from the schooner's cargo.

Dr. Richard Robert Madden, a native of Ireland, was an unqualified opponent of slavery. His service in Havana on the mixed commission had been a long, frustrating experience. He had recently published a pamphlet entitled *Regarding the Slave Trade in Cuba* in which he described the widespread and almost open violations of the treaties and decrees against the trade. He charged that the violations were sanctioned by the captain general of Cuba and other government officials, and that Nicholas Trist, the American consul in Havana, was heavily involved and reaping tremendous financial benefits from the traffic. When Madden heard of the case, he volunteered to come to America and offer testimony. He arrived in New York in early November and met with Lewis Tappan. He visited the

captives at New Haven and offered the deposition in quarters before Judge Judson. His conversations with the Mendian interpreter Covey, plus the information he had been able to ferret out in Havana, left no doubt in his mind that the captives, under Spanish law, were bozales, that is, recent arrivals in Cuba from Africa, who could not have been legally enslaved. Yet he noted that on the licenses (traspasos) permitting them to be taken from Havana to Guanaja they were called ladinos, the designation of slaves who were native Africans but enslaved in Cuba prior to 1820. He explained that it was common practice, in complicity with Spanish officials, to describe bozales as ladinos on such licenses for the simple purpose of foiling the British and other slave cruisers off the coast. It was, of course, impossible for the children to have been native Africans enslaved before 1820. Madden's testimony thus established the fact that the papers Ruiz and Montes had submitted to the court in support of their claims of property rights to the Mendians had been fraudulently obtained.

Further Questions of Jurisdiction

Meanwhile, a question had arisen concerning the jurisdiction over the case in the United States District Court of Connecticut. If *La Amistad* had been taken by the Washington in the territorial waters of New York, jurisdiction lay with the District Court for that state. If the schooner had been taken on the high seas, jurisdiction lay with the District Court where she had been brought into port. In a special hearing, before Judge Judson on October 19, it was determined that when the Washington took charge of *La Amistad* the ship had been anchored about a mile from shore without inlets or bays. Therefore, under admiralty law, she was on the high seas, and the case was properly being litigated in the District Court of Connecticut.

Meanwhile, the abolitionists, displeased with the treatment of the captives, began to make efforts to provide for their comfort and for their intellectual and religious instructions. The New York Amistad Committee requested two New Haven ministers, Leonard Bacon and Henry G. Ludlow, and Amos Townsend, Jr., also of New Haven, to form a committee for that purpose. This committee employed George E. Day, a former professor in the New York Institution for the Deaf and Dumb, to supervise the instruction of the adult Mendians by Yale divinity students. A matron was employed.

Before the trial in the District Court, Secretary of State Forsyth requested an opinion on the case from United States Attorney General Felix Grundy. Grundy maintained that the United States Supreme Court in its decision in the Antelope case in 1825 had established the following points:

1. That, however unjust and unnatural the slave trade may be, it is not contrary to the laws of nations.
2. That, having been sanctioned by the usage and consent of almost all civilized nations, it could not be pronounced illegal, except so far as each nation may have made it so by its own acts or laws; and these could only operate upon itself, its own subjects or citizens; and of course, the trade would remain lawful to those whose Government had not forbidden it.
3. That the right of bringing in and adjudicating upon the case of a vessel charged with being engaged in the slave trade, even where the vessel belongs to a nation which has prohibited the trade, cannot exist. The courts of no country execute the

penal laws of another, and the course of the American Government on the subject of visitation and search would decide any case in which that right had been exercised by an American cruiser, on the vessel of a foreign nation not violating our municipal laws, against the captors.

Grundy maintained that the United States must accept a ship's papers as prima facie evidence and, therefore, must consider the blacks as the property of the individuals in whose behalf the Spanish minister had laid a claim. He further argued that the United States was obligated to return the ship and all its cargo to Spain under the ninth article of Pinckney's Treaty, which provided that "all ships and merchandises of what nature soever, which shall be rescued out of the hands of pirates or robbers on the high seas, shall be rescued into some port of either State and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof."

Grundy advised that the president issue an order directed to the marshal holding custody to deliver the vessel and cargo "to such persons as may be designated by the Spanish minister to receive them." He stated that since the Mendians were charged with crimes under Spanish law, the surrender should be made only to a representative of the Spanish government so that "they may not escape punishment," if guilty. He added another reason why the Mendians should be surrendered only to the Spanish minister or to persons designated by him: since they maintained they were not slaves, if delivered to Ruiz and Montes they would have no opportunity to prove their right to freedom. Forsyth informed the Spanish minister of Grundy's opinion and stated that it had been approved by the president's cabinet.

The fate of the Africans rested upon one issue. Did the court have the right under treaty and international law to look beyond the ship's papers, the *traspasos*, or must they be accepted as prima facie evidence of ownership? The abolitionists maintained that article nine of Pinckney's Treaty "could never have meant to have submitted conflicting rights of property to mere official discretion, but that it was intended to subject them to the same tribunals which, in all other cases, guard and maintain our civil rights." Therefore, the president could not act until the true facts were substantiated in a court of justice.

The District Court Trial

The case opened in the United States District Court at Hartford on November 19th. The trial had not progressed far when it was continued to the January term. Baldwin had asked for a postponement because of the illness of James Covey. Then, the attorney for the naval officers who were claiming salvage was called home on an emergency.

During the next weeks, the Spanish minister pushed his claims and even threatened nullification of the treaties between the two nations. Forsyth appeared to be weakening. He told the minister that he was certain the District Court would find itself incompetent to decide the case and order the Mendians returned to Cuba. He promised to hold an American vessel in readiness to transport them to Havana. Forsyth was also pressuring District Attorney Holabird to make sure that the case had the desired outcome. On the other hand, the British government began to

pressure Spain to prosecute Montes and Ruiz for purchasing the Mendians in violation of laws and treaties.

The hearing resumed in New Haven on January 8. Anchored in New Haven harbor, which was usually closed at that time of the year, was the United States schooner Grampus, whose skipper was instructed to hasten the Mendians to Havana if that should be the decision of the court. Holabird was instructed by Forsyth, on direction of President Van Buren, to have this done, if possible, before an appeal could be made; if the decision was against the Spanish claimants, Holabird was to appeal the decision immediately.

Judge Judson's Decision

The testimony and submission of other evidence required six days. On Monday, January 13, Judge Judson rendered his decision in seven points.

1. The jurisdiction of the court was clear since the whole affair had occurred on the high seas.
2. Gedney and his crew were entitled to salvage on the vessel and its cargo to the amount of one-third of its appraised value, and as soon as this payment was made the vessel and cargo would be delivered to the Spanish government.
3. Salvage rights on the Africans were denied since they had no value as property under the laws of Connecticut.
4. Captain Green and his companions were not entitled to salvage because they had never boarded the vessel.
5. The slave Antonio, having been born in Cuba, was to be returned to his rightful owners.
6. The Africans were neither slaves nor Spanish subjects.
7. They were, therefore, free by the "law of Spain itself."

He found that the Mendians were bozales. He said that Pinckney's Treaty must be subject to the laws of Spain, and the laws of Spain did not hold that bozales could be enslaved. Therefore, he said, the pass granted for their transportation to Guanaja "contains on the face an untruth." The Governor General has not given a pass for these negroes. And consequently these bozales stand on the deck of the Amistad without any passo whatever." He concluded, "Cinqueze and Grabeau shall not sigh for Africa in vain. Bloody as may be their hands, they shall yet embrace their kindred. I shall put in form a decree of this Court, that these Africans, excepting Antonio, be delivered to the President of the United States to be transported to Africa, there to be delivered to the Agent appointed to receive and conduct them home.

Reactions to Judson's Ruling

The instructions from the president of the United States to the skipper of *Grampus* did not include compliance with this unexpected decision, so he hauled anchor and hastily departed from New Haven. Holabird immediately entered an appeal to the Circuit Court. Judge Judson's conduct of the trial was a surprise as much to the abolitionists as to the rejected claimants, for in the past Judge Judson had demonstrated no love of blacks. In 1833 for example, he had gained notoriety as the prosecuting attorney against Prudence Crandall for admitting blacks to her school in Canterbury, Connecticut. Furthermore, he had instigated the Connecticut statute under which he prosecuted Miss Crandall. After his verdict in the *Amistad* case, Lewis Tappan wrote,

The judge is certainly entitled to much credit for the impartiality with which he presided, and for his opinion and forthcoming decree, in many respects. It must be acknowledged, however, that his application of the laws of 1818 to these Africans--the law never having contemplated such a case --will not give satisfaction to strict constructionists. The Africans were either slaves or freemen, and it would seem that consistency required the Judge to decree that they were freemen, and, as such, entitled to their immediate freedom. He doubtless acted--if not as a true interpreter of the law--as he thought would be for the welfare of the Africans. He went into jail twice to see them, and they expressed to him and to others, a desire to return to their native land.

The act of 1818, as amended in 1819, under which Judson had ruled for the return of the *Mendians* to Africa by the president, covered only those persons illegally brought to the United States to be sold as slaves. The *Mendians*, of course, had not been destined for sale in the United States, and Judson's ruling was not well received. Many considered it a poor reading of the law. The concern of the abolitionists was not his interpretation of this particular law. The concern of the abolitionists was not his interpretation of this particular law. While conceding that the Africans wished to return to their home, they felt nevertheless that as free persons the decision should be their own rather than that of the court.

John Quincy Adams Takes the Case

As the controversy over the decision raged, John Quincy Adams, congressman from Massachusetts, introduced a resolution to have all the correspondence of the Executive Department regarding the *Amistad* case submitted to the House of Representatives for review. This correspondence, printed as House Document Number 85, clearly revealed the sympathies of the Van Buren administration and also showed how severely relations between the United States and Spain had been strained by the incident.

When the appeal came before the Circuit Court in April 1840, Justice Thompson upheld the decision of the District Court but ruled that since the case had become a major issue between the United States and Spain its importance demanded a decision from the United States Supreme Court. The case was placed on the agenda for the following January. As the time approached for the Supreme Court hearing, Lewis Tappan, even though he recognized the brilliant defense led by Baldwin and his associates, was led to feel that the case required someone of national renown for its presentation to the Supreme Court justices, five of whom

were Southerners, including Chief Justice Roger B. Taney, who, in 1857, would read the infamous Dred Scott decision. Tappan enlisted the assistance of Ellis Gray Loring, a prominent Massachusetts attorney. The two men went to Quincy to see John Quincy Adams. Adams, a friend of liberty and an opponent of slavery, but no abolitionist, had been outspoken in his sympathy for the Amistad captives but was not easily convinced to take on the responsibility. He was too old, he said, and had not argued a case before the Supreme Court since 1809. But Tappan and Loring persisted, and he finally consented to serve. Once committed, he spared no effort.

Arguments before the United States Supreme Court

For various reasons, the hearing before the Supreme Court, originally scheduled for January 16, 1841, was delayed until February 20. Henry D. Gilpin, who had succeeded Grundy as United States attorney general, opened the case by presenting the papers of *La Amistad*, which, he said, were all in order and thus the United States had no authority to go behind the papers and rule on their validity. He stated that if the blacks were slaves, they were property, and the Spanish government had the right to demand that they be returned to their owners and to Spanish soil for trial for any offenses they might have committed under Spanish law. He added that the law in the case so far as American courts were concerned had been established in the case of the Antelope. He spoke for two hours.

Adams felt he was not yet prepared to present his argument, so Baldwin opened for the defense. He contended that the United States was being used by the Spanish as a man-stealer to aid in the recovery of the fugitives, who were not fugitives at all but free men. They had been declared free men by a United States court and neither Ruiz and Montes nor the Spanish government had appealed that decision. It had been appealed only by the government of the United States. He meticulously covered the details of the case and the facts that had led Judge Judson to declare the Mendians to be free. He spoke for four hours.

Adams rose to speak on February 24. He spoke for four and one-half hours that day and concluded his argument on March 1 in another four-hour presentation. He opened his argument by stating that he was speaking in a court of justice, a point he felt it necessary to make since one branch of the government, the Executive Department, had shown no concern for justice in the case but only sympathy for the Spanish claimants. He reviewed the correspondence between Spanish diplomats and the secretary of state and criticized Van Buren for attempting to assume unconstitutional powers in the case in order to placate the Spanish, including an effort to have the Africans hastened aboard the *Grampus*, thereby denying them the basic right of appeal had the decision of the District Court been against them. He said, "Had the precedent once been set and submitted to, of a nameless mass of judicial prisoners and witnesses, being snatched by Executive grasp from the protective guardianship of the Supreme Judges of the land (*gubernativamente*) at the dictate of a foreign minister, would it not have disabled forever the effective power of the Habeas Corpus?" Adams continued,

This review of all the proceedings of the Executive I have made with utmost pain, because it was necessary to bring it fully before your Honors, to show that the course of that department had been dictated, throughout, not by justice but by sympathy -- and a sympathy the most partial and unjust. And this sympathy prevailed to such a degree, among all the persons concerned in this business, as to

have perverted their minds with regard to all the most sacred principles of law and right, on which the liberties of the United States are founded; and a course was pursued, from the beginning to the end, which was not only an outrage upon the persons whose lives and liberties were at stake, but hostile to the power and independence of the judiciary itself.

Adams observed that the case was not covered by Pinckney's Treaty, or the Adams-Onis Treaty, which, he pointed out to the court, he had had a part in making. He said that article nine of the treaty of 1795 did not include human beings, since it spoke only of merchandise that must be restored entire -- "A stipulation to restore human beings entire might suit two nations of cannibals!" Furthermore, he asked, how could the Africans be simultaneously "merchandise rescued out of the hands of pirates and robbers and pirates or robbers out of whose hands merchandise was rescued?" Adams then examined point by point the decision in the *Antelope* case and observed that the slaves taken from the *Antelope* were restored to Spain explicitly because at the time of her expedition from Havana and capture the Spanish prohibition against the foreign slave trade had not taken effect. Therefore, the decision had no bearing on the case of *La Amistad*. Gilpin closed with a three-hour argument. The presentations of the attorneys in the case thus totaled over seventeen hours.

The Supreme Court's Decision

Adams had hoped that there would come some censure by the Court of the conduct of the case by the Executive Department, but this was not forthcoming. The decision rested primarily on the arguments Baldwin had used all along. Justice Joseph Story of Massachusetts read the decision, which declared that article nine of Pinckney's Treaty did not apply because the Africans had never been the legal property of Montes and Ruiz. Neither were they pirates or robbers, but kidnapped Africans "who by the laws of Spain itself were entitled to their freedom." The license issued bearing Spanish names of the so-called *ladinos* was no evidence since it was clearly fraudulent. To Gilpin's argument that the ship's papers must be accepted as *prima facie* evidence, the Court responded that the language of Pinckney's Treaty requires the proprietor "to make due and sufficient proof of his property -- and that proof cannot be considered due or sufficient which is stained with fraud." "Fraud will vitiate any, even the most solemn transactions; and any asserted title founded upon it, is utterly void."

The crew of the *Washington* had performed a valuable service and were entitled to salvage. However, when *La Amistad* came to Long Island, she was in the possession of the Africans, who obviously had not come to sell themselves as slaves. Consequently, they were not covered by the law of 1818 and should not be returned to Africa by the president. They were entitled to their liberty like any other freeborn human beings and were to be discharged at once, free to go wherever they wished. Lewis Tappan and Roger Sherman Baldwin left Washington to carry the glad tidings to the Africans at Westville but as matters developed they had already heard the news from Amos Townsend and Henry Ludlow. They received it with joy, but there had been court decisions before, and they could not understand the delays of American justice. They did not know if this decision would be any more effective than the earlier ones had been.

The Way Home

It was nearly two years since they had been kidnapped from their homes. It would be many months before they would return. What had happened to these unfortunate people during this time? Seventeen of them had lost their lives since being placed aboard *La Amistad*. Before they would leave America, another of their number would die in what was believed to be a suicide, because of longing for his homeland and the belief that in death his spirit would be united with his people.

The United States government had provided for their basic needs until the Supreme Court decision, but now all responsibility for the care and protection of the Africans fell to the Amistad Committee. A problem developed immediately over the custody of the three girls, who were living with Colonel and Mrs. Pendleton, where, Pendleton maintained, they preferred to remain. He refused to comply with an order of the probate court that awarded guardianship to Amos Townsend. Baldwin went to court on Townsend's behalf asking for a writ of habeas corpus. This hearing lasted three days and the decision was made in Townsend's favor. The girls then joined the other Meridians in Farmington on the farm of the abolitionist A.F. Williams. Instruction in English and religion continued under the supervision of George E. Day.

Until the first hearing in the Circuit Court, the Mendians had been confined in a New Haven jail, where they had been exhibited by the jailer at the price of a New York shilling (12 1/2 cents) a view. The abolitionists had protested the circus atmosphere that surrounded them but had been able to do little about improving conditions until after the Circuit Court's decision and Judge Judson's orders that they no longer be treated as criminals. Now that they were free and the Amistad Committee had to provide for their physical needs as well as raise money to return them to their homeland, the abolitionists became the exhibitors. They were taken from one community to another, where they appeared at churches and public meetings, demonstrating their skills in reading and writing English and telling their story to sympathetic audiences. The purpose was to raise funds for transporting them back to Africa and beginning a Christian mission among the Mendi people.

During the long months of their captivity, the Africans became well known to large segments of the American people, particularly to abolitionist and religious communities, and they became recognizable to some individuals with distinct personalities. A Boston artist, A. Hewins, portrayed twenty-six of them in a large (135 square feet) painting entitled *The Massacre*. Although it did not portray the Africans in a manner favorable to them or the abolitionist cause, the painting received favorable reviews and was exhibited in New Haven and Hartford. Engravings of it were sold as souvenirs. At the Bowery Theater in New York, *The Black Schooner, or, The Pirate Slaver Amistad* had a long, successful run, bringing in \$1,650 in ticket sales, a considerable box office for the day. In 1840, John W. Barber published *A History of the Amistad Captives: Being a Circumstantial Account of the Capture of the Spanish Schooner Amistad by the Africans on Board; Their Voyages, and Culture ... With Biographical Sketches of Each ... Also, An Account of the Trials*. This account contained profiles of each taken by a pentagraph from wax figures that were being exhibited throughout the country by Pendleton and Curtiss. According to Barber, the profiles were "striking and accurate likenesses of the Africans, taken from life by Mr. Moulthrop. " In a day when phrenology was widely respected and accepted as a science, a phrenologist by the name of Fletcher examined the Mendians, and his findings were published in many newspapers. He also used them

as the topic for a lecture tour. Two paintings, an oil portrait of Cinque by Nathaniel Jocelyn and a watercolor of *La Amistad*, have been preserved as valuable works of art by the New Haven Colony Historical Society.

Eventually the Amistad Committee raised sufficient funds to transport the thirty-five surviving Mendians back to their homeland. Missionaries had been recruited, including two blacks. On November 27, 1841, the party embarked in the *Gentleman*. Seven weeks later they reached Freetown in Sierra Leone. Kinna, who had been one of the better students, wrote Louis Tappan, "We have reached Sierra Leone and one little while after we go to Mendi and we land very safely. Oh dear friend, pray to God ... We will pray for you ... We have been on great water. Not any danger fell upon us. Oh, no ... Our blessed saviour Christ have done wonderous works. Dear Mr. Tappan, how I feel for these wonderous things. I pray Jesus will hear you; if I never see you in this world, we shall meet in heaven."

Before the missionary party reached Mendi country, most of the Africans, including Kinna, had deserted. He, along with some others, would come in and out of the mission, trying to adjust to ties to two cultures. Several remained with the mission for the rest of their lives. One of the girls, Sarah Margru, later returned to Oberlin for an education, and then married and taught at the mission. Cinque deserted, was seen from time to time, and returned to die at the mission in 1879. It was said that he died a Christian.

Historical Impact of the Amistad Case

Too much should not be made of the court's decision in the Amistad case. While thirty-six Africans regained their freedom, the decision was by no means an attack on the institution of slavery in the United States or abroad. On the one hand, Justice Story declared that the Africans had exercised the "ultimate right of all human beings in extreme cases to resist oppression, and to apply force against ruinous injustice." In other words, free men have a natural right to resist enslavement. On the other hand, he stated that the blacks, had they been legally recognized as slaves of Spanish citizens, would have been deemed property within the meaning of the treaty of 1795 and restored to the claimants. Antonio was so restored.³ Thus the Court recognized that the natural right to freedom could be taken away by positive law.

Controversy about *La Amistad* did not end with the Supreme Court decision or the return of the Africans to Sierra Leone. Spain continued to press claims for indemnity in Madrid and Washington. Disregarding the decision of the Court, southerners on several occasions introduced resolutions in both the Senate and House of Representatives calling for votes to pay indemnity. President James K. Polk and James Buchanan, both as Polk's secretary of state and later as president, supported Spain's claims. The charge that Van Buren conspired with Spain against the Africans resurfaced in the election of 1848 when he was the candidate of the Free-Soil Party. Leading spokesmen against the Spanish claims in the House of Representatives were Joshua Giddings and John Quincy Adams until his death in 1848. In the Senate, John P. Hale, Salmon P. Chase, William Fessenden, and William H. Seward fought efforts to vote indemnity.

The Founding of the American Missionary Association

The Civil War and the death of slavery closed the Amistad case as an issue in relations between Spain and the United States. There was, however, a lasting legacy. Evangelical abolitionists felt an obligation to support the Mendi Mission. The "Fugitive Blacksmith," James W.C. Pennington, pastor of the First Colored Congregational Church in Hartford, Connecticut, took the lead in the formation of the Union Missionary Society in 1841, which soon absorbed the Amistad Committee.
James W.C. Pennington

The Union Missionary Society joined with others in 1846 to form the American Missionary Association (AMA). The AMA assumed support of the Mendi Mission and became the largest and best organized abolitionist society in America in the fifteen years preceding the Civil War. In 1840, the members of the American Antislavery Society had split over questions of political action, women's rights, the position of American churches on the slavery issue, and the nature of the United States government. Thereafter, the American Antislavery Society was only a shell of what it had been. Its opponents, under the leadership of Lewis Tappan, established the American and Foreign Antislavery Society, but it never became an effective voice for the cause of abolitionism. The AMA, in addition to supporting the Mendi and other foreign missions, established missions among Native Americans, fugitive slaves in Canada, Chinese immigrants in California, and other immigrant groups. It also planted hundreds of antislavery churches in the North and border states of the South. Its monthly magazine and other publications and the one hundred or so missionary agents it had each year preaching the abolitionist doctrine across the United States were powerful forces for the cause.

In the very first year of the Civil War, the AMA began education work among the Freedmen, establishing hundreds of schools throughout the South during the war and the Reconstruction period. Some of these were later given over to public support or abandoned because of decreasing funds as Americans became tired of the "Negro problem." However, the association continued into the mid-twentieth century to support both elementary and secondary schools for blacks wherever there was a need and the means could be found. Along the way, such important institutions as Hampton University, Atlanta University, Talladega College, Fisk University, LeMoyne-Owen College, Huston-Tillotson College and Berea College were founded. The AMA still contributes today to the support of six of these schools and also supports the school of religion at Howard University.

While the AMA activities have been most extensive among blacks, the association has also been concerned with the plight of other minorities and impoverished people. It has supported education and ministries among Natives, Asian-Americans, Chicanos, Puerto Ricans, Eskimos, and Appalachian whites. In 1942, the AMA, hoping to prevent race riots like those that had occurred following World War 1, established a Race Relations Department on the campus of Fisk University. For twenty-six years, through research, education, and conferences, the Race Relations Department was on the cutting edge of the civil rights movement in the United States. Many activists of the 1960s had been enrolled in one or more of its annual Institutes on Race Relations. At one of the AMA's former schools, Dorchester Academy in Liberty County, Georgia, the Voters Education Project, headed by the Congregational minister and former mayor of Atlanta, Andrew Young, was established in the 1960s. The most recent institution established by the AMA is

the Amistad Research Center. An archives and research library founded in 1966, Amistad holds over five thousand linear feet of original manuscripts plus books, microfilm, serials, audio and videotapes and films that document the experience of America's ethnic minorities and civil rights in the United States. These resources provide the information that is enabling scholars from across the United States and abroad to reinterpret the American experience.

Footnotes

This article is based on records in the Amistad Research Center, principally the Archives of the American Missionary Association, which include the records of the Amistad Committee and the Mendi Mission.

1. A Connecticut law of 1784 provided that no Negro or mulatto born after March 1, 1784, should be held a slave after reaching the age of twenty-five. The holding of slaves was not forbidden until 1848, when anyone who would have been a slave would have been sixty-four years of age or older. A New York law of 1799 provided that all children born to slaves after July 4, 1799, were to be freed at the age of twenty-eight for males and twenty-five for females. Thus, on July 4, 1827, ten thousand slaves were freed in New York without compensation.

2. Joshua Leavitt was a lawyer and Congregational minister, a graduate of Yale College and Yale Divinity School. He was one of the founders of the Liberty party in 1840. Simeon S. Jocelyn, born in New Haven, was a brother of the artist Nathaniel Jocelyn. His plan to establish a college for blacks in New Haven in 1831 was killed by popular opposition. Jocelyn was the founder and first pastor of a black Congregational Church in New Haven, which is today Dixwell Avenue United Church of Christ. He became the secretary for home missions of the American Missionary Association. Lewis Tappan, a wealthy New York merchant, was the founder of the Journal of Commerce and the mercantile agency that is known today as Dun & Bradstreet. He devoted his fortune and great energy to philanthropic causes, especially abolitionism. He served as unpaid treasurer of the American Missionary Association, to which he was also a liberal financial contributor.

3. Although Antonio had once said in court that he wanted to return to Cuba, shortly after the Supreme Court decision he disappeared, and it was believed the abolitionists had spirited him away to freedom in Canada. He was working in Montreal in late April 1840.