

The Amistad Case (1839)

Aim: Students will understand how the Amistad case tested slavery laws, and demonstrated a changed perspective on slave rebellions in 1839.

Background

In February of 1839, Portuguese slave hunters abducted a large group of Africans from Sierra Leone and shipped them to Havana, Cuba, a center for the slave trade. This abduction violated all of the treaties then in existence. Fifty-three Africans were purchased by two Spanish planters and put aboard the Cuban schooner Amistad for shipment to a Caribbean plantation. On July 1, 1839, the Africans seized the ship, killed the captain and the cook, and ordered the planters to sail to Africa. On August 24, 1839, the Amistad was seized off Long Island, NY, by the U.S. brig Washington. The planters were freed and the Africans were imprisoned in New Haven, CT, on charges of murder. Although the murder charges were dismissed, the Africans continued to be held in confinement as the focus of the case turned to salvage claims and property rights. President Van Buren was in favor of extraditing the Africans to Cuba. However, abolitionists in the North opposed extradition and raised money to defend the Africans. Claims to the Africans by the planters, the government of Spain, and the captain of the brig led the case to trial in the Federal District Court in Connecticut. The court ruled that the case fell within Federal jurisdiction and that the claims to the Africans as property were not legitimate because they were illegally held as slaves. The case went to the Supreme Court in January 1841, and former President John Quincy Adams argued the defendants' case. Adams defended the right of the accused to fight to regain their freedom. The Supreme Court decided in favor of the Africans, and 35 of them were returned to their homeland. The others died at sea or in prison while awaiting trial. [Wholly adapted from <http://www.archives.gov/education/lessons/amistad/index.html>]

How did American & Spanish Law view slavery?

The Africans on board the Amistad had been seized and transported to Cuba, a Spanish territory, after Spain had outlawed the slave trade. The holding of the Supreme Court at the end of the trial was based on the law of Spain. The Court stated that:

. . . They are natives of Africa, and were kidnapped there, and were unlawfully transported to Cuba, in violation of the laws and treaties of Spain, and the most solemn edicts and declarations of that government. By those laws, and treaties, and edicts, the African slave trade is utterly abolished; the dealing in that trade is deemed a heinous crime; and the negroes thereby introduced into the dominions of Spain, are declared to be free. [The Amistad, 40 U.S. 518, 593.](#)

The right of insurrection is a natural right of all men. It is the right to rise up and throw off an evil regime, and more broadly, to take violent action against oppressors. The right of insurrection is recognized in the Declaration of Independence:

We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness -- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.

The Supreme Court recognized the captives' right of insurrection and rejected the claim that they were pirates or murderers:

If then, these negroes are not slaves, but are kidnapped Africans, who, by the laws of Spain itself, are entitled to their freedom, and were kidnapped and illegally carried to Cuba, and illegally detained and restrained on board the Amistad; there is no pretence to say, that they are pirates or robbers. We may lament the dreadful acts, by which they asserted their liberty, and took possession of the Amistad, and endeavored to regain their native country; but they cannot be deemed pirates or robbers in the sense of the law of nations... [The Amistad, 40 U.S. 518, 593 & 594.](#)

The Irony of Amistad rulings in America.

The case of the Amistad had lasting effects on the United States for at least two reasons. Once it was recognized that the Amistad Africans had the same rights as anyone to freedom, to return to their families, and to revolt against their enslavers, the question then arose: "How are these black people, born in Africa, any different from black people born into slavery in the United States?" The obvious answer was that an accident of birth should make no difference at all. Once it was admitted that the Amistad Africans had the right to their freedom, there was no logical justification for the continued enslavement of blacks in the United States. Dramatically brought to the public's attention by the Amistad incident, this logic turned many in the North against slavery. But abolitionists were still not a majority. That didn't happen until sometime during the Civil War.

Significance of the abolitionist movement

Although the film does a fine job of illustrating the issues and beliefs leading to the Civil War, it commits an historical error in the unduly harsh portrayal of the abolitionist movement. The abolitionists were serious forward-looking people. History has proved

that they were right to protest a barbaric and inhumane institution. Yet in the film, abolitionists are shown praying and singing religious songs outside of the Africans' prison. The implication is that they should have been doing something to help the captives. Their actions are portrayed as trivial. However, these abolitionists were "bearing witness." Their purpose was to awaken the conscience of the country to the sin of slavery as well as to the plight of the Amistad Africans. "Bearing witness" has been an important part of any movement for social change from biblical times to the present. This power and honorable history of bearing witness is not only missed in the film, it is denigrated.

Another error lies in the fact that there is no basis to believe that Mr. Arthur Tappan, an historical figure, wanted the Amistad Africans sacrificed for the benefit of the abolitionist movement. The scene in which he proposes this was, most certainly, placed in the film to raise the question of whether the ends justify the means. Arthur Tappan's life was devoted to freeing slaves. Both Tappan and his brother faced serious consequences, sometimes violent, from their anti-slavery activities. Lewis Tappan's dry-goods store and Arthur's home were attacked by angry pro-slavery mobs. Both men had a price on their heads in the South and on one occasion a slave's ear was found in Arthur's mailbox.

[Wholly adapted from <http://www.teachwithmovies.org/guides/amistad.html>]

Screenplay from the Movie

Adams: Your Honors, I derive much consolation from the fact that my colleague, Mr. Baldwin, here, has argued the case in so able and so complete a manner as to leave me scarcely anything to say.

However, why are we here? How is it that a simple, plain property issue should now find itself so ennobled as to be argued before the Supreme Court of the United States of America? I mean, do we fear the lower courts, which found for us easily, somehow missed the truth? Is that it? Or is it, rather, our great and consuming fear of civil war that has allowed us to heap symbolism upon a simple case that never asked for it and now would have us disregard truth, even as it stands before us, tall and proud as a mountain? The truth, in truth, has been driven from this case like a slave, flogged from court to court, wretched and destitute. And not by any great legal acumen on the part of the opposition, I might add, but through the long, powerful arm of the Executive Office.

Yea, this is no mere property case, gentlemen. I put it to you thus: This is the most important case ever to come before this court. Because what it, in fact, concerns is the very nature of man.

These are transcriptions of letters written between our Secretary of State, John Forsyth, and the Queen of Spain, Isabella the Second. Now, I ask that you accept their perusal as part of your deliberations.

Thank you, sir. [to court officer]

I would not touch on them now except to notice a curious phrase which is much repeated. The queen again and again refers to our incompetent courts. Now what, I wonder, would be more to her liking? Huh? A court that finds against the Africans? Well, I think not. And here is the fine point of it: What her majesty wants is a court that behaves just like her courts, the courts this eleven year-old child plays with in her magical kingdom called Spain, a court that will do what it is told, a court that can be toyed with like a doll, a court -- as it happens -- of which our own President, Martin Van Buren, would be most proud.

Thank you. [takes document from Baldwin]

This is a publication of the Office of the President. It's called the Executive Review, and I'm sure you all read it. At least I'm sure the President hopes you all read it. This is a recent issue,

and there's an article in here written by a "keen mind of the South," who is my former Vice President, John Calhoun, perhaps -- Could it be? -- who asserts that:

"There has never existed a civilized society in which one segment did not thrive upon the labor of another. As far back as one chooses to look -- to ancient times, to biblical times -- history bears this out. In Eden, where only two were created, even there one was pronounced subordinate to the other. Slavery has always been with us and is neither sinful nor immoral. Rather, as war and antagonism are the natural states of man, so, too, slavery, as natural as it is inevitable."

Now, gentlemen, I must say I differ with the keen minds of the South, and with our president, who apparently shares their views, offering that the natural state of mankind is instead -- and I know this is a controversial idea -- is freedom. Is freedom. And the proof is the length to which a man, woman, or child will go to regain it, once taken. He will break loose his chains, He will decimate his enemies. He will try and try and try against all odds, against all prejudices, to get home.

Cinque, would you stand up, if you would, so everyone can see you. This man is black. We can all see that. But can we also see as easily that which is equally true -- that he is the only true hero in this room.

Now, if he were white, he wouldn't be standing before this court fighting for his life. If he were white and his enslavers were British, he wouldn't be able to stand, so heavy the weight of the medals and honors we would bestow upon him. Songs would be written about him. The great authors of our times would fill books about him. His story would be told and retold in our classrooms. Our children, because we would make sure of it, would know his name as well as they know Patrick Henry's.

Yet, if the South is right, what are we to do with that embarrassing, annoying document, "The Declaration of Independence?" What of its conceits? "All men...created equal," "inalienable rights," "life," "liberty," and so on and so forth? What on earth are we to do with this?

I have a modest suggestion. [tears up a facsimile of the Declaration]

The other night I was talking with my friend, Cinque. He was over at my place, and we were out in the greenhouse together. And he was explaining to me how when a member of the Mende -- that's his people -- how when a member of the Mende encounters a situation where there appears no hope at all, he invokes his ancestors. It's a tradition. See, the Mende believe that if one can summon the spirits of one's ancestors, then they have never left, and the wisdom and strength they fathered and inspired will come to his aid.

James Madison, Alexander Hamilton, Benjamin Franklin, Thomas Jefferson, George Washington, John Adams: We've long resisted asking you for guidance. Perhaps we have feared in doing so we might acknowledge that our individuality which we so, so revere is not entirely our own. Perhaps we've feared an appeal to you might be taken for weakness. But, we've come to understand, finally, that this is not so. We understand now, we've been made to understand, and to embrace the understanding that who we are is who we were.

We desperately need your strength and wisdom to triumph over our fears, our prejudices, ourselves. Give us the courage to do what is right. And if it means civil war, then let it come. And when it does, may it be, finally, the last battle of the American Revolution. That's all I have to say.

Resources to Documents on Amistad Case:

160 years and two court cases

<http://www.law.cornell.edu/background/amistad/amistad3.html>

The Amistad Case

<http://www.yale.edu/glc/curriculum/amistad/lesson.html>