

Case File:

AMISTAD

HISTORICAL FACTS:

The Spanish, who controlled Cuba at this time, had a treaty with Britain outlawing the slave trade in 1820. Despite this law, the kidnapping and transportation of Africans was very profitable and continued for many years. Several hundred Africans were kidnapped and taken from their homes in April of 1839. Chained, they were forced to walk many miles to Sierra Leone where they were transported to Lomboko on the west coast of Africa. In Lomboko, they were purchased by Pedro Blanco, one of the most notorious slave traders from Havana.

About 500 captive Africans were loaded into the hold of the Portuguese slave ship *Tecora*. The Africans were chained to one another in an area about four feet high. There were given one cup of rice and one cup of water a day. There was no medical care or sanitary facilities. About one third of the captives died during the crossing of the middle passage due to malnutrition or physical abuse. Although transporting African captives to Cuba was illegal, slave ship captains became experts on dodging British patrols, bribing officials and smuggling their illegal cargo onshore.

The *Tecora* landed in Cuba in June of 1839. Once in Havana, 53 Africans - 49 men, three girls, and 1 boy - most of whom were Mende, were purchased by two Spaniards, Don Jose Ruis and Don Pedro Montes. Ruis and Montes bribed officials to obtain false passports for the Africans, making it appear that the Africans had been in Cuba since before the 1820 treaty between Britain and Spain. They then hired a merchant ship called *La Amistad* to carry their cargo to another Cuban port, Puerto Principe.

The same month that they landed in Cuba, the Africans were loaded onto the *Amistad* for a trip that should have taken two days. Unfortunately the wind shifted and the voyage took much longer. The cook told the Africans, using sign language that the Spaniards were planning to kill and eat the Africans when they reached port.

Finding a nail, Cinque* and Grabeau, both Africans, picked the locks of their ironneck collars and freed themselves and others of their shackles. Searching the vessel's hold, they found sugar cane knives with two-foot-long blades. Armed with these weapons, they crept onto the deck and killed the captain and cook. Two sailors jumped overboard, and Jose Ruis and Pedro Montes, the Spanish owners of the Africans, and the captain's slave, Antonio, who was able to communicate with both the Spaniards and the Africans, were taken prisoner.

Cinque ordered Montes to sail eastward to Africa, but Montes sailed north at night when Cinque could not use the sun for guidance. For weeks, the ship zigzagged eastward toward Africa during the day and northward toward the United States during the night. Food and water began to run low and sickness broke out. Eight Africans died. Rumors spread up and down the eastern seaboard of the United States of a "long, low, black schooner" manned by pirates.

Setting anchor on August 26, 1839, at Montauk Point on the tip of Long Island, New York, Cinque went ashore with others to barter for supplies. While they were ashore,

* "Cinque" was what the Spanish-speaking traders called the African man Sengbe Pieh, because his name was too difficult for them to say correctly.

the *USS Washington* under Lt. Commander Thomas R. Gedney came upon the *Amistad* and took control. He had the ship and the Africans brought to New London, Connecticut where Lt. Gedney hoped for the salvage rights to the ship and its cargo. Many assume Gedney headed to Connecticut and not New York because slavery was legal in Connecticut and had been abolished in New York.

LEGAL FACTS:

At the time of the *Amistad* incident, slavery had been practiced in the United States for more than two hundred years. It was widespread in the South and a critical part of that region's economy. Although many northern ship owners and textile workers benefited from the trade, slavery was never widely practiced in the North. During the Revolutionary War era, many northern states passed laws providing for the gradual emancipation, or freeing, of the slaves within their borders. Although slavery was still legal in Connecticut in 1839, there were fewer than twenty slaves, compared to some six thousand free African Americans living in the state. The Constitution banned the importation of slaves after 1808, but there were no federal laws having to do with slavery. Each state made its own laws. By 1839, most people in the north did not want to take a stand on the issue of slavery, fearing that it would destroy the union. For the most part, abolitionists were considered dangerous fanatics.

The applicable legislation of the time provides the following background for the *Amistad* case:

- Slaves were legally recognized as property in Connecticut until 1848.
- It became illegal to import slaves into the United States in 1808.
- The United States had a treaty with Spain (Pinckney's Treaty of 1795) that stated if a vessel of either nation was forced to enter the other's ports, that ship would be released immediately.
- Spain outlawed slavery in 1811 at home and in all colonies except Cuba, Puerto Rico, and Santo Domingo and banned the slave trade in 1818 (Many slave traders still captured Africans illegally and sold them in Cuba, a Spanish colony).
- Spanish law made it legal to keep slaves if they were born before 1820 (but slave traders often bought false papers from Cuban officials making captured Africans "legal" slaves).
- Ships and property found helplessly at sea were subject to financial claims ("salvage rights") made by those who rescued them.

LOWER COURT DECISIONS:

Preliminary Hearing

The preliminary hearing was held aboard the *USS Washington* in New London Harbor, with Judge Judson of the United States District Court for the District of Connecticut presiding.

The two Spaniards who had bought the Africans in Havana, Ruis and Montes, gave their versions of what had happened during the mutiny as well as report on the legal status of each of the captives, including that they had been bought at a Cuban slave market for more than \$20,000. The Mende could not speak English and there was no one to explain their version of events. The Court ordered the Africans to be sent to New Haven, since the New London jail was too small to contain them. Their trial was

to be held on September 17, 1839 at the Federal Circuit Court in Hartford. The Mende were charged with murder and mutiny. They were also claimed as property, along with the rest of the cargo, by the Spaniards and by Lt. Gedney of the *Washington* who brought them to Connecticut.

Federal Circuit Court Trail

Supporters raised funds to hire Roger Sherman Baldwin, one of Connecticut's best lawyers, as chief defense attorney for the Mende. Justice Smith Thompson presided.

A treaty between England and Spain stated that Africans could not be transported for slavery. The court decided that crimes committed on the high seas on a Spanish vessel were not within the jurisdiction of a United States court. The charges against the Africans of piracy and murder were dismissed on the grounds that the alleged crimes occurred in Spanish territory.

Lt. Gedney of the *Washington* sued the United States Circuit Court, claiming salvage rights for himself and his crew. If the Africans were determined by the court to be property, they would be considered cargo and could have great value. The Spanish Ambassador also filed with the United States Circuit Court, claiming the slaves were property and belonged to Ruis and Montes. He wanted the Africans to be returned to Cuba and tried for murder. The issue of what should be done with the *Amistad* and its cargo, which might include the Africans, was referred to the U.S. District Court.

District Court Trial

Only 38 of the 53 Africans remained alive, 6 additional captives had recently died in New Haven. The Africans were now able to testify with the help of an interpreter.

The U.S. District Court convened on January 7, 1840 in New Haven with Judge Andrew Judson presiding. He ruled that the Africans were not slaves, even under Spanish law, and should be released. He stated that the Africans "were born free and ever since have been and still of right are free and not slaves." However, Lt. Gedney, the commander of the *USS Washington*, and the Navy personnel should receive one-third of the value of the *Amistad* and its cargo, which did not include the Africans.

Prior to this case, Judson was a leader in closing the academy for "young ladies of color" started by Prudence Crandall in Canterbury, Connecticut. Appointed to the District Court by President Martin Van Buren, many thought Judson would rule that the Africans were slaves. His decision was a shock to the administration, and the government attorneys filed an appeal on behalf of President Van Buren and the Spanish Ambassador, who still insisted the Mende to be returned to Cuba for trial. Their appeal cited Pinckney's Treaty of 1795.

The Spanish owners of the *Amistad* also appealed the Court's decision. They did not want the Navy personnel to get part of what they considered to be their cargo.

Supreme Court

The Van Buren administration felt it had a better chance before the U.S. Supreme Court, where five members, including Chief Justice Roger B. Taney, were Southerners who had at one time or another owned slaves. However, John Quincy Adams, former President and now a member of Congress was prepared to defend the Africans in the Supreme Court.