

The Significance of the *Amistad* Case— A Document-Based Question

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For use in conjunction with “Amistad: The Federal Courts and the Challenge to Slavery,” by Bruce A. Ragsdale, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education

Document-Based Question

In early September 1839, a ship, the *Amistad*, sailed into Long Island Sound, searching for provisions. On board were 42 persons from the Mende region of West Africa, who had killed the ship’s captain and cook. A U.S. Navy Brig, the *Washington*, seized the ship, including the men and girls aboard. Two years later, following a series of court cases, all the surviving Africans from the *Amistad* were freed and returned to Africa.

The case commanded the attention of many Americans. In many ways what became known as the *Amistad* affair was a key event in pre-Civil War America. Evaluate the relative significance of the factors that account for the importance of this event.

Directions: This document-based question is designed for use with students who have studied “*Amistad: The Federal Courts and the Challenge to Slavery*,” by Bruce A. Ragsdale, available online at <http://www.fjc.gov/history/home.nsf>. Student essays should draw on the documents below, their knowledge of the period 1835–1845, and the unit to construct their response. Essays should cite key pieces of evidence from the documents.

Document A

We present our readers with all the particulars respecting this extraordinary event, which have come to our hands, and intended to accompany them with suitable comments, but are suddenly called away to attend an important meeting. All that we can say, therefore, is, that it is a case which calls for the sympathy of all true-hearted, impart[i]al lovers of liberty; that the brave Cingues and his associates have committed no crime either against the laws of the United States or Spain, or the law of nations; that they merely imitated the example of Washington and the heroes of the revolution; that they ought to be sent back to Africa with christian kindness; and that, if any persons ought to be hanged, they are the two white persons found on board the Armistead. But, alas! in the hands of the infamous Andrew T. Judson, as judge, and of the U.S. government, what hope is there that

justice will be done? The abolitionists of Connecticut ought to bestir themselves in this matter.

Source: The *Liberator*, September 6, 1839. CAPTURE OF THE ARMISTEAD [sic].

Document B

CINQUEZ

Son of a scorned, down-trodden race,
Whose mighty agonies and groans
Are pleasant music to the base,
Thy cause our nature owns,
They call thee *pirate!*—rank thy deed
With all that men should curse and hate;
And souls, to whom but gold may plead,
Scowl if we call it great.

Thou halt a people, noble chief,
Who owned, adored thy magic sway,
Whose simple songs are hushed in grief,
Since thou wert torn away,
Perchance, the Spaniard found thee dreaming
Of future ages, when thy name
Should float in song, all brightly beaming
With deed of well won fame.

Spaniard! the fiend thy mother's breast
Bred thee to hate as all that's evil,
As babes, in whiter arms caressed,
Are taught to dread the devil;
Shouldst thou, thus wronged and nursed, have brooked
In slavery's blood and chains to roll thee,
And fawn on *him!* Then had'st thou looked
Mean as the thief who stole thee?

Source: *New Haven Record*, September 8, 1839.

Document C

. . . The African prisoners are orderly and peaceable among themselves. Some of them sing well, and appear to be in good spirits and grateful for the kindness shewn them. Col. Stanton Pendleton, at whose house I stop, is the jailer, and is kind and attentive to the prisoners. He provides them wholesome food in sufficient quantities, and gives every reasonable indulgence to the numerous

visitors, from the neighboring towns and elsewhere, who throng the prison continually to see these interesting strangers from a distant land. . . .

Source: Lewis Tappan “To the Committee on behalf of the African Prisoners.” *New York Journal of Commerce*, September 10, 1839.

Document D

My object has been . . . to apprise you of such facts and circumstances as I could collect . . . and to recapitulate and expose the absurdities put forth by the Abolitionists. It is not to be denied that these infatuated and mischievous men have long been hard at work in the hope of producing a fatal schism between the free states and the slave states. In this nefarious design they are abetted by certain reckless politicians who fan the embers, in the hope of rendering the excitement subservient to their ulterior purposes. The affair of the Amistad is a godsend to these men. . . . The fact is, those people who are making all this bustle and clamor about the “poor Africans” are entirely uninformed respecting their social and physical condition at home. They are slothful and thievish, and altogether are sunk in a state of ignorance, debasement and barbarism, of which no adequate conception can be formed. . . . They are a distinct and totally different race, and the God of nature never intended that they should live together in any other relation than that of master and slave.

Source: *The Morning Herald*, September 17, 1839.

Document E

The elaborate arguments of counsel seem to have the effect of filling the Court, convened to try these Africans, with doubts and ‘embarrassment.’—what was plain and clear before, was involved in obscurity by the discussion. Can it be necessary to investigate the judicial decisions for centuries past to learn what simple justice now requires at our hands in respect to these foreigners? — We think not. We need not depart from common sense in order to decide the questions which are involved in their case. The circumstances under which they were cast upon our shores are truly extraordinary — but the story of the wrongs committed upon their persons is short, and generally well understood. They were unlawfully and piratically forced from their native country, with the criminal intent on the part of their captors forever to deprive them of liberty. Shall we, who have often stained the battle-fields with the blood of our foes, to escape a less galling oppression, now raise a moral *or* legal question, whether these Africans were justified in taking life to escape a bondage worse than death?

Source: *Portsmouth Journal*, October, 1839.

Document F

Resolved, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the state to which her flag belongs, as much so as if constituting a part of its own domain.

Resolved, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port, and under the jurisdiction of a friendly power, she and her cargo, and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the state to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

Source: Senate Resolution, April 15, 1840. *Senate Journal*, 26th Cong., 1st sess., 314.

Document G

The decision of the Supreme Court of the United States, in the case of the Amistad negroes, will afford the most sincere gratification to every friend of human freedom and rights, and especially to every person who abhors slavery and the slave trade. And it is creditable to those members of that tribunal who live in those parts of our country where slavery exists, that in the determination of this important case, they did not suffer their minds to be biased by any external considerations unconnected with the justice of the cause, but with integrity and independence they decided it according to the law.

The principles settled in this case, are important in themselves, giving a construction to the laws and treaty relating to this subject, and the same time, informing Spaniards, and all others, concerned in the execrable traffic in human beings, what they may expect when they come before our courts, with the view of endeavoring to establish something in the formation of rights in the iniquitous traffic.

Source: *Hartford Courant*, March 15, 1841.

Document H

Next arose the immortal Joseph Cinque, the hero of the Amistad. He was a native African, and by the help of God he emancipated a whole ship-load of his fellowmen on the high seas. And he now sings of liberty in the sunny hills of Africa and beneath his native palm-trees, where he hears the lion roar and feels himself as free as the king of the forest . . .

Brethren, arise, arise! Strike for your lives and liberties. Now is the day and the hour, let every slave throughout the land do this, and the days of slavery are numbered. You cannot be more oppressed than you have been—you cannot suffer

greater cruelties than you have already. *Rather die freemen than live to be slaves.* Remember that you are FOUR MILLIONS!

Source: “An Address to the Slaves of the United States of America,” by Henry Highland Garnet, 1843. Walker’s Appeal, with a Brief Sketch of his life by Henry Highland Garnet, and also Garnet’s Address to the Slaves of the United States of America. 1848. Reprint, New York: Arno Press, 1969, p. 96.

Document I

Resolved, That the fundamental truths of the Declaration of Independence, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, was made the fundamental law of our National Government, by that amendment of the constitution which declares that no person shall be deprived of life, liberty or property, without due process of law.

Source: Liberty Party Platform, 1844. In *History of American Presidential Elections, 1789–1968*, ed., Arthur M. Schlesinger, Jr. (New York: Chelsea House Publishers, 1971), 1:802.