

The Amistad Case

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. In addition, both the United States and Spain by then had laws outlawing the importation of slaves.

*As a part of the **Commerce Compromise** at the Constitutional Convention, it was agreed to that Congress could not forbid the importation of slaves for 20 years following ratification (which occurred in 1788). In January of 1808, Congress did pass a law outlawing the importation of slaves.*

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 towards the rising sun (East to Africa). By day, this was done, but by night the ship changed course and sailed north and west.

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.

*The Spanish claimed that under the terms of **Pinckney's Treaty (1795)**, aka the Treaty of San Lorenzo, the United States was obliged to return stolen/seized property to its Spanish owner(s). The key provisions of Pinckney's Treaty, however, were:*

- 1. The Spanish opened the Mississippi River, including the port city of New Orleans, to American traffic.*
- 2. The 31st parallel was recognized as Florida's northern boundary.*

All of this was agreed to mostly because the Spanish wanted to make sure they weren't squeezed out of North America by a then-growing friendship between the US and Britain.

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 United States 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.

What other person (who would later become President) defended the underdogs in a famous case, arguing for fair application of the rule of law despite the fact that the accused were despised by the majority?

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.

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.

Adams observed that the case was not covered by Pinckney's Treaty, or the Adams-Onís 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 hand merchandise was rescued?"

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.

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 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.

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