

United States v. The Amistad

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For other uses, see Amistad (disambiguation).

The Amistad, also known as *United States v. Libellants and Claimants of the Schooner Amistad*, 40 U.S. 518 (1841), was a United States Supreme Court case resulting from the rebellion of Africans on board the Spanish schooner *La Amistad* in 1839.^[1] It was an unusual freedom suit that involved international issues and parties, as well as United States law. The historian Samuel Eliot Morison in 1965 described it as the most important court case involving slavery before being eclipsed by that of Dred Scott.^[2]

The schooner was traveling along the coast of Cuba on its way to a port for re-sale of the slaves. The African captives, who had been kidnapped in Sierra Leone and illegally sold into slavery and shipped to Cuba, escaped their shackles and took over the ship. They killed the captain and the cook; two other crew members escaped in a lifeboat. The Africans directed the survivors to return them to Africa. The crew tricked them, sailing north at night. The *Amistad* was later apprehended near Long Island, New York, by the United States Revenue Cutter Service and taken into custody. The widely publicized court cases in the United States federal district and Supreme Court, which addressed international issues, helped the abolitionist movement.

In 1840, a federal district court found that the transport of the kidnapped Africans across the Atlantic on the slave ship *Tecora* was in violation of laws and treaties against the international slave trade by Great Britain, Spain and the United States. The captives were ruled to have acted as free men when they fought to escape their illegal confinement. The Court ruled the Africans were entitled to take whatever legal measures necessary to secure their freedom, including the use of force. Under international and sectional pressure, U.S. President Martin Van Buren ordered the case appealed to the Supreme Court. It affirmed the lower court ruling on March 9, 1841, and authorized the release of the Africans, but overturned the order of the lower court that they be returned to Africa at government expense.

Supporters arranged for temporary housing of the Africans in Farmington, Connecticut as well as funds for travel. In 1842 they transported by ship those who wanted to return to Africa, together with American missionaries.

The Amistad



Supreme Court of the United States

Argued February 22 – March 2, 1841

Decided March 9, 1841

Full case name	<i>United States v. The Amistad</i>
Citations	40 U.S. 518 (https://supreme.justia.com/us/40/518/case.html) (<i>more</i>) 15 Pet. 518; 10 L. Ed. 826; 1841 U.S. LEXIS 279
Prior history	United States District Court for the District of Connecticut rules for the Africans; United States appeals to the United States Circuit Court for the District of Connecticut, lower court affirmed; United States appeals to the U.S. Supreme Court
Subsequent history	Africans returned to Africa not by way of the President, but by way of abolitionists; United States Circuit Court for the District of Connecticut dispenses monetary awards mandated by the Supreme Court; United States Circuit Court for the District of Connecticut hears a petition by Ramon Bermejo, in 1845, for the unclaimed monetary sum retained by the court in 1841; petition granted in the amount of \$631
Holding	The Africans are free, and are remanded to be released; Lt. Gedney's claims of salvage are granted, remanded to the United States Circuit Court for the District of Connecticut for further proceedings in monetary manners.
Court membership	

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Rebellion at sea and capture



Sengbe Pieh, leader of the *La Amistad* uprising, pictured as a Muslim (1839). Beinecke Rare Book & Manuscript Library^[3]

On June 27, 1839, *La Amistad* ("Friendship"), a Spanish vessel, departed from the port of Havana, Cuba (then a Spanish colony), for the Province of Puerto Principe, also in Cuba. The masters of *La Amistad* were the ship's captain Ramón Ferrer, José Ruiz, and Pedro Montez, all Spanish nationals. With Ferrer was his personal slave Antonio. Ruiz was transporting 49 Africans, entrusted to him by the governor-general of Cuba. Montez held four additional Africans, also entrusted to him by the governor-general.^[4] As the voyage normally took only four days, the crew had brought four days' worth of rations, not

Chief Justice

Roger B. Taney

Associate Justices

Joseph Story · Smith Thompson
 John McLean · Henry Baldwin
 James M. Wayne · Philip P. Barbour
 John Catron · John McKinley

Case opinions

Majority Story, joined by Taney, Thompson, McLean, Wayne, Catron, McKinley

Dissent Baldwin

Barbour took no part in the consideration or decision of the case.

Laws applied

Pinckney's Treaty, art. IX; Adams-Onís Treaty

Part of a series of articles on...



1526 San Miguel de Gualdape

(Spanish Florida, Victorious)

c. 1570 Gaspar Yanga's Revolt

(Veracruz, New Spain, Victorious)

1712 New York Slave Revolt

(British Province of New York, lost)

1733 St. John Slave Revolt

(Danish Saint John, Suppressed)

1739 Stono Rebellion

(British Province of South Carolina, Suppressed)

1741 New York Conspiracy

(Province of New York, Suppressed)

1760 Tacky's War

(British Jamaica, Suppressed)

1791 Mina Conspiracy

(Louisiana (New Spain), Suppressed)

1795 Pointe Coupée Conspiracy

(Louisiana (New Spain), Suppressed)

1791–1804 Haitian Revolution

(French Saint-Domingue, Victorious)

1800 Gabriel Prosser

anticipating the strong headwind that slowed the schooner. On July 2, 1839, one of the Africans, Cinqué, freed himself and the other captives using a file that had been found and kept by a woman who, like them, had been on the *Tecora* (the ship that had transported them illegally as slaves from Africa to Cuba).

The Mende Africans killed the ship's cook, Celestino, who had told them that they were to be killed and eaten by their captors. The slaves also killed Captain Ferrer; the struggle resulted as well in the deaths of two Africans. Two sailors escaped in a lifeboat. The Africans spared the lives of the two masters who could navigate the ship, José Ruiz and Pedro Montez, upon the condition that they would return the ship to Africa. They also spared the captain's personal slave, Antonio, a creole,^[5] and used him as an interpreter with Ruiz and Montez.^[6]

The crew deceived the Africans and steered *La Amistad* north along the coast of the United States, where the ship was sighted repeatedly. They dropped anchor half a mile off eastern Long Island, New York, on August 26, 1839, at Culloden Point. Some of the Africans went ashore to procure water and provisions from the hamlet of Montauk. The vessel was discovered by the United States revenue cutter USS *Washington*. Lieutenant Thomas R. Gedney, commanding the cutter, saw some of the Africans on shore and, assisted by his officers and crew, took custody of *La Amistad* and the Africans.^[7]

Taking them to the port of New London, Connecticut, he presented officials with a written claim for his property rights under admiralty law for salvage of the vessel, the cargo, and the Africans. Gedney allegedly chose to land in Connecticut because slavery was still technically legal there, unlike in New York. He hoped to profit from sale of the Africans.^[8] Gedney transferred the captured Africans into the custody of the United States District Court for the District of Connecticut, at which time legal proceedings began.^[4]

Parties

- **Lt Thomas R. Gedney** filed a libel (a lawsuit in admiralty law) for rights to the African captives and cargo on board *La Amistad* as property seized on the high seas.^[4]
- **Henry Green** and **Pelathiah Fordham** filed a libel for salvage, claiming that they had been the first to discover *La Amistad*.^[4]
- **José Ruiz** and **Pedro Montez** filed libels requesting that their property of "slaves" and cargo be returned to them.^[4]
- The Office of the United States Attorney for the District of Connecticut, representing the **Spanish Government**, libelled that the "slaves", cargo, and vessel be returned to Spain as its property.^[9]
- **Antonio Vega**, vice-consul of Spain, libelled for "the slave Antonio," on the grounds that this man was his personal property.^[10]
- The **Africans** denied that they were slaves or property, and that the court could not "return" them to the control of the government of Spain.^[10]

(Virginia, Suppressed)

1803 Igbo Landing

(St. Simons Island, Georgia, Suppressed)

1805 Chatham Manor

(Virginia, Suppressed)

1811 German Coast Uprising

(Territory of Orleans, Suppressed)

1815 George Boxley

(Virginia, Suppressed)

1816 Bussa's Rebellion

(British Barbados, Suppressed)

1822 Denmark Vesey

(South Carolina, Suppressed)

1831 Nat Turner's rebellion

(Virginia, Suppressed)

1831–1832 Baptist War

(British Jamaica, Suppressed)

1839 Amistad, ship rebellion

(Off the Cuban coast, Victorious)

1841 Creole case, ship rebellion

(Off the Southern U.S. coast, Victorious)

1842 Slave Revolt in the Cherokee Nation

(Indian Territory, Suppressed)

1859 John Brown's Raid

(Virginia, Suppressed)

- **José Antonio Tellincas**, with **Aspe** and **Laca**, claimed goods on board *La Amistad*.^[11]

British pressure

As the British had entered into a treaty with Spain prohibiting the slave trade south of the equator, they considered it a matter of International Law that the United States release the Africans. They applied diplomatic pressure to achieve this, including invoking the Treaty of Ghent with the US, which jointly enforced their respective prohibitions against the international slave trade.

While the legal battle continued, Dr. Richard R. Madden, "who served on behalf of the British commission to suppress the African slave trade in Havana," arrived to testify.^[12] He made a deposition "that some twenty-five thousand slaves were brought into Cuba every year – with the wrongful compliance of, and personal profit by, Spanish officials."^[12] Madden also "told the court that his examinations revealed that the defendants were brought directly from Africa and could not have been residents of Cuba," as the Spanish had claimed.^[12] Madden (who later had an audience with Queen Victoria concerning the case) conferred with the British Minister in Washington, D.C., Henry Stephen Fox, who pressured U.S. Secretary of State John Forsyth on behalf "of her Majesty's Government."^[13]

Fox wrote "...Great Britain is also bound to remember that the law of Spain, which finally prohibited the slave-trade throughout the Spanish dominions, from the date of the 30th of May, 1820, the provisions of which law are contained in the King of Spain's royal cedula of the 19th December, was passed, in compliance with a treaty obligation to that effect, by which the Crown of Spain had bound itself to the Crown of Great Britain, and for which a valuable compensation, in return, was given by Great Britain to Spain; as may be seen by reference to the 2d, 3d, and 4th articles of a public treaty concluded between Great Britain and Spain on the 23d of September, 1817.

"It is next to be observed, that Great Britain and the United States have mutually engaged themselves to each other, by the 10th article of the treaty of Ghent, to use their best endeavors for the entire abolition of the African slave-trade; and there can be no doubt of the firm intention of both parties religiously to fulfill the terms of that engagement.

"Now, the unfortunate Africans whose case is the subject of the present representation, have been thrown by accidental circumstances into the hands of the authorities of the United States Government whether these persons shall recover the freedom to which they are entitled, or whether they shall be reduced to slavery, in violation of known laws and contracts publicly passed, prohibiting the continuance of the African slave-trade by Spanish subjects.

"It is under these circumstance that her Majesty's Government anxiously hope that the President of the United States will find himself empowered to take such measures, in behalf of the aforesaid Africans, as shall secure to them the possession of their liberty, to which, without doubt they are by law entitled."^[13]

Forsyth responded that under the separation of powers in the U.S. Constitution, the President could not influence the court case. He said that the question of whether the "negroes of the Amistad" had been enslaved in violation of the Treaty was still an open one, "and this Government would with great reluctance erect itself into a tribunal to investigate such questions between two friendly sovereigns."^[13] He noted that when the facts were determined, they could be taken into account. He suggested that if the Court found for Spanish rights of property, the Africans would be returned to Cuba. At that point, Great Britain and Spain could argue their questions of law and treaties between them.^[13]

Spanish argument

Secretary of State Forsyth requested from the Spanish Minister, Chevalier de Argaiz, "a copy of the laws now in force in the island of Cuba relative to slavery."^[13] In response, the Captain General of Cuba sent Argaiz "everything on the subject, which had been determined since the treaty concluded in 1818 between Spain and England".^[13] The Minister also expressed dismay that the Africans had not already been returned to Spanish control.^[13]

The Spanish maintained that none but a Spanish court could have jurisdiction over the case. The Spanish minister stated "I do not, in fact, understand how a foreign court of justice can be considered competent to take cognizance of an offence committed on board of a Spanish vessel, by Spanish subjects, and against Spanish subjects, in the waters of a Spanish territory; for it was committed on the coasts of this island, and under the flag of this nation."^[13] The Minister noted that the Spanish had recently turned over American sailors "belonging to the crew of the American vessel 'William Engs'", whom it had tried by request of their captain and the American consul. The sailors had been found guilty of mutiny and sentenced to "four years' confinement in a fortress."^[13] Other American sailors had protested this and when the American ambassador raised the issue with the Spaniards, on March 20, 1839 "her Majesty, having taken into consideration all the circumstances, decided that the said seamen should be placed at the disposition of the American consul, seeing that the offence was committed in one of the vessels and under the flag of his nation, and not on shore."^[13] The Spaniards asked how, if America had demanded that these sailors in an American ship be turned over to them despite being in a Spanish port, they could now try the Spanish mutineers.

The Spaniards held that just as America had ended its importation of African slaves but maintained a legal domestic population, so too had Cuba. It was up to Spanish courts to determine "whether the Negroes in question" were legal or illegal slaves under Spanish law, "but never can this right justly belong to a foreign country."^[13]

The Spaniards maintained that, even if it was believed that the Africans were being held as slaves in violation of "the celebrated treaty of humanity concluded between Spain and Great Britain in 1835", this would be a violation of "the laws of Spain; and the Spanish Government, being as scrupulous as any other in maintaining the strict observance of the prohibitions imposed on, or the liberties allowed to, its subjects by itself, will severely chastise those of them who fail in their duties."^[13]

The Spaniards pointed out that by American law the jurisdiction over a "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. ...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."^[13] The Spaniards demanded that the U.S. "apply these proper principles to the case of the schooner *Amistad*."^[13]

The Spanish were further encouraged that their view would win out when U.S. Senator John C. Calhoun and the Senate's Committee of Foreign Relations on April 15, 1840 issued a statement announcing complete "conformity between the views entertained by the Senate, and the arguments urged by the [Spanish Minister] Chevalier de Argaiz" concerning *La Amistad*.^[13]

Applicable law

The Spanish categorized the Africans as property to have the case fall under Pinckney's Treaty of 1795. They protested when Judge William Jay construed a statement by their Minister as seeming to demand "the surrender of the negroes apprehended on board the schooner *Amistad*, as murderers, and not as property; that is to say founding his demand on the law of nations, and not on the treaty of 1795."^[13]

The Spanish pointed out that the statement Jay was referring to was one where the Spanish minister was "speaking of the crime committed by the negroes [slave revolt], and the punishment which they merit". They went on to point out that the Minister had stated that a payment to compensate the owners "would be a slender compensation; for though the property should remain, as it ought to remain, unimpaired, public vengeance would be frustrated".^[13]

Judge Jay took issue with the Spanish Minister's request that the Africans be turned over to Spanish authorities (which seemed to imply that they were fugitives instead of misbehaving property), because the 1795 treaty said that property should be restored directly to the control of its owners. The Spanish denied that this meant that the Minister had waived the contention that they were property.

By insisting that the case fell under the treaty of 1795, the Spanish were invoking the Supremacy Clause of the U.S. Constitution, which would put the clauses of the treaty above the state laws of Connecticut or New York, where the ship had been taken into custody, "no one who respects the laws of the country ought to oppose the execution of the treaty, which is the supreme law of the country."^[13] The case was already in the federal district court.

The Spanish also sought to avoid talk about the Law of Nations, as some of their opponents argued that America had a duty under the Law of Nations to treat the Africans with the same deference they would accord any other foreign sailors.

John Quincy Adams later argued this issue before the Supreme Court in 1841, saying,

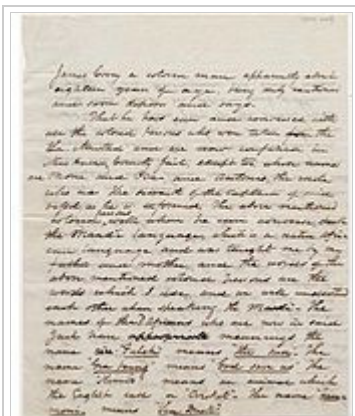
The Africans were in possession, and had the presumptive right of ownership; they were in peace with the United States:...they were not pirates; they were on a voyage to their native homes...the ship was theirs, and being in immediate communication with the shore, was in the territory of the State of New York; or, if not, at least half the number were actually on the soil of New York, and entitled to all the provisions of the law of nations, and the protection and comfort which the laws of that State secure to every human being within its limits.^[14]

When pressed with questions concerning the Law of Nations, the Spanish referred to a concept of Hugo Grotius (credited as one of the originators of the Law of Nations). Specifically, they noted that "the usage, then, of demanding fugitives from a foreign Government, is confined...to crimes which affect the Government and such as are of extreme atrocity."^[13]

Lower court proceedings

A case before the circuit court in Hartford, Connecticut, was filed in September 1839, charging the Africans with mutiny and murder on *La Amistad*. The court ruled that it lacked jurisdiction, because the alleged acts took place on a Spanish ship in Spanish waters.

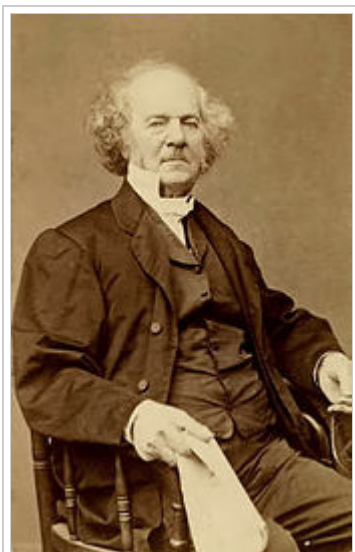
Various parties filed property claims with the district court to many of the African captives, to the ship, and to its cargo: Ruiz and Montez, Lieutenant Gedney, and Captain Henry Green (who had met the Africans while on



First page of the deposition of James Covey concerning *La Amistad* prisoners held in the New Haven, Connecticut jail, October 4, 1839

shore on Long Island and claimed to have helped in their capture). The Spanish government asked that the ship, cargo and slaves be restored to Spain under the Pinckney treaty of 1795 between Spain and the United States. Article 9 of this treaty holds 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 restored, entire, to the true proprietor." The United States filed a claim on behalf of Spain.

The abolitionist movement had formed the "Amistad Committee", headed by New York City merchant Lewis Tappan, and had collected money to mount a defense of the Africans. Initially, communication with the Africans was difficult, since they spoke neither English nor Spanish. Professor J. Willard Gibbs, Sr. learned from the Africans to count to ten in their Mende language. He went to the docks of New York City, and counted aloud in front of sailors until he located a person able to understand and translate. He found James Covey, a twenty-year-old sailor on the British man-of-war HMS *Buzzard*. Covey was a former slave from West Africa.^[15]



Lewis Tappan, American evangelical abolitionist and founder of the "Amistad committee"

The abolitionists filed charges of assault, kidnapping, and false imprisonment against Ruiz and Montez. Their arrest in New York City in October 1839 had outraged pro-slavery rights advocates and the Spanish government. Montez immediately posted bail and went to Cuba. Ruiz, "more comfortable in a New England setting (and entitled to many amenities not available to the Africans), hoped to garner further public support by staying in jail.... Ruiz, however, soon tired of his martyred lifestyle in jail and posted bond. Like Montez, he returned to Cuba".^[12] Outraged, the Spanish minister Cavallero Pedro Alcantara Argaiz made "caustic accusations against America's judicial system and continued to condemn the abolitionist affront. Ruiz's imprisonment only added to Argaiz's anger, and he pressured Forsyth to seek ways to throw out the case altogether."^[12] The Spanish held that the bailbonds that the men had to acquire (so that they could leave jail and return to Cuba) caused them a grave financial burden, and "by the treaty of 1795, no obstacle or impediment [to leave the U.S.] should have [been] placed" in their way.^[13]

On January 7, 1840, all the parties, with the Spanish minister representing Ruiz and Montez, appeared before the U.S. District Court for the District of Connecticut and presented their arguments.^[16]

The abolitionists' main argument before the district court was that a treaty between Britain and Spain of 1817 and a subsequent pronouncement by the Spanish government had outlawed the slave trade across the Atlantic. They established that the slaves had been captured in Mendiland (also spelled Mendeland, current Sierra Leone) in Africa, sold to a Portuguese trader in Lomboko (south of Freetown) in April 1839, and taken to Havana illegally on a Portuguese ship. As the Africans were victims of illegal kidnapping, the abolitionists argued they were not slaves and were free to return to Africa. Their papers wrongly identified them as slaves who had been in Cuba since before 1820 (and were thus considered to have been born there as slaves). They contended that government officials in Cuba condoned such mistaken classifications.

Concerned about relations with Spain and his re-election prospects in the South, the Democratic President Martin Van Buren sided with the Spanish position. He ordered a U.S. schooner to New Haven Harbor to return the Africans to Cuba immediately after a favorable decision, before any appeals could be decided.

The district court ruled in favor of the abolitionist and Africans' position. In January 1840, it ordered that the Africans be returned to their homeland by the U.S. government, and that one-third of *La Amistad* and its cargo be given to Lieutenant Gedney as salvage property. (The federal government had outlawed the slave trade between the U.S. and other countries in 1808; an 1818 law, as amended in 1819, provided for the return of all illegally traded slaves.) The captain's personal slave Antonio was declared the rightful property of the captain's heirs and was ordered restored to Cuba (Sterne said that he willingly returned to Cuba.)^[17] Smithsonian sources say that he escaped to New York,^[18] or to Canada, with the help of an abolitionist group).

In detail, the district court ruled as follows:

- It rejected the claim of the U.S. Attorney, argued on behalf of the Spanish minister, for the restoration of the slaves.^[16]
- It dismissed the claims of Ruiz and Montez.^[16]
- It ordered that the captives be delivered to the custody of the President of the United States for transportation to Africa, since they were, in fact, legally free.^[16]
- It allowed the Spanish vice-consul to claim the slave Antonio.^[16]
- It allowed Lt. Gedney to claim one-third of the property on board *La Amistad*.^[16]
- It allowed Tellincas, Aspe, and Laca to claim one-third of the property.^[16]
- It dismissed the claims of Green and Fordham for salvage.^[16]

The U.S. Attorney for the District of Connecticut, by order of Van Buren, immediately appealed to the U.S. Circuit Court for the Connecticut District. He challenged every part of the district court's ruling except the concession of the slave Antonio to the Spanish vice-consul. Tellincas, Aspe, and Laca also appealed to gain a greater portion of the salvage value. Ruiz and Montez, and the owners of *La Amistad*, did not appeal.^[16]

The circuit court of appeals affirmed (upheld) the district court's decision in April 1840.^[16] The U.S. Attorney appealed the federal government's case to the United States Supreme Court.^[16]

Arguments before the Supreme Court

On February 23, 1841, Attorney General Henry D. Gilpin began the oral argument phase before the Supreme Court. Gilpin first entered into evidence the papers of *La Amistad*, which stated that the Africans were Spanish property. Gilpin argued that the Court had no authority to rule against the validity of the documents. Gilpin contended that if the Africans were slaves (as evidenced by the documents), then they must be returned to their rightful owner, in this case, the Spanish government. Gilpin's argument lasted two hours.^[19]

John Quincy Adams, former president of the United States and at that time a U.S. Representative from Massachusetts, had agreed to argue for the Africans. When it was time for him to argue, he said he felt ill-prepared. Roger Sherman Baldwin, who had already represented the captives in the lower cases, opened in his place.^[19]

Baldwin, a prominent attorney, contended that the Spanish government was trying to manipulate the Court to return "fugitives". He argued that the Spanish government sought the return of slaves who had been freed by the district court; but the Spanish government was not appealing the fact of their having been freed. Covering all the facts of the case, Baldwin spoke for four hours over the course of February 22 and 23.^[19] (He was no relation to Justice Baldwin of the Court.)

John Quincy Adams rose to speak on February 24. He reminded the court that it was a part of the judicial branch and not part of the executive. Introducing copies of correspondence between the Spanish government

and the Secretary of State, he criticized President Martin van Buren for his assumption of unconstitutional powers in the case.^[19]

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.^[19]

Adams argued that neither Pinckney's Treaty nor the Adams-Onís Treaty were applicable to the case. Article IX of Pinckney's Treaty referred only to property, and did not apply to people. As to *The Antelope* decision (10 Wheat. 124), which recognized "that possession on board of a vessel was evidence of property",^[20] Adams said that did not apply either, since the precedent was established prior to the prohibition of the foreign slave trade by the United States. Adams concluded on March 1 after eight and one-half hours of speaking. (The Court had taken a recess following the death of Associate Justice Barbour).^[19]

Attorney General Gilpin concluded oral argument with a three-hour rebuttal on March 2.^[19] The Court retired to consider the case.

Decision of the Supreme Court

On March 9, Associate Justice Joseph Story delivered the Court's decision. Article IX of Pinckney's Treaty was ruled off topic since the Africans in question were never legal property. They were not criminals, as the U.S. Attorney's Office argued, but rather "unlawfully kidnapped, and forcibly and wrongfully carried on board a certain vessel".^[21] The documents submitted by Attorney General Gilpin were not evidence of property, but rather of fraud on the part of the Spanish government. Lt. Gedney and the USS *Washington* were to be awarded salvage from the vessel for having performed "a highly meritorious and useful service to the proprietors of the ship and cargo".^[22]

When *La Amistad* came into Long Island, however, the Court believed it to be in the possession of the Africans on board, who had never intended to become slaves. Therefore, the Adams-Onís Treaty did not apply, and the President was not required to return the Africans to Africa.^[19]

Upon the whole, our opinion is, that the decree of the circuit court, affirming that of the district court, ought to be affirmed, except so far as it directs the negroes to be delivered to the president, to be transported to Africa, in pursuance of the act of the 3rd of March 1819; and as to this, it ought to be reversed: and that the said negroes be declared to be free, and be dismissed from the custody of the court, and go without delay.^[22]

After the decision

The Africans greeted the news of the Supreme Court's decision with joy. Abolitionist supporters took the

survivors – 36 men and boys and three girls – to Farmington, a village considered "Grand Central Station" on the Underground Railroad. Their residents had agreed to have the Africans stay there until they could return to their homeland. Some households took them in; supporters also provided barracks for them.^{[23][24][25]}

The Amistad Committee instructed the Africans in English and Christianity, and raised funds to pay for their return home. Along with several missionaries, in 1842 the surviving 39 Africans sailed to Sierra Leone. The Americans constructed a mission in Mendiland. Numerous members of the Amistad Committee later founded the American Missionary Association, an evangelical organization which continued to support the Mendi mission. With leadership of black and white ministers from mostly Presbyterian and Congregational denominations, it was active in working for abolitionism in the United States and for education of Blacks, sponsoring the founding of Howard University, among other institutions. After the American Civil War, it founded numerous schools and colleges for freedmen in the South.



Portrait of Kimbo, one of 36 men aboard *La Amistad*, c. 1839–1840

In the following years, the Spanish government continued to press the US for compensation for the ship, cargo and slaves. Several southern lawmakers introduced resolutions into the United States Congress to appropriate money for such payment but failed to gain passage, although supported by Democratic presidents James K. Polk and James Buchanan.

Joseph Cinqué returned to Africa. In his final years, he was reported to have returned to the mission and re-embraced Christianity.^[26] Recent historical research suggests that the allegations of Cinqué's later involvement in the slave trade are false.^[27]

In the *Creole* case of 1841, the United States dealt with another ship rebellion similar to that of the *Amistad*.

Related laws

- The US prohibited the international slave trade in 1808, but kept domestic slavery until 1865.
- Connecticut had a gradual abolition law passed in 1797; children born to slaves were free but had to serve apprenticeships until young adulthood; the last slaves were freed in 1848.
- The US-Spain Pinckney's Treaty of 1795 provided that, 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;
- Spanish law made it legal to keep slaves if they were born before 1820;
- By international law of the seas, ships and property found helpless at sea were subject to claims (salvage rights for property) made by those who rescued them.

Commemoration and legacy

Artwork, memorial structures, and plaques

- African-American artist Hale Woodruff painted murals portraying events related to the revolt on *The Amistad* in 1938, for Talladega College in Alabama.
- A statue of Cinqué was erected beside the City Hall building in New Haven, Connecticut.

- The photo above illustrates the *Amistad* memorial at Montauk Point State Park on Long Island.

Enterprises

- The Amistad Research Center at Tulane University in New Orleans, Louisiana, has numerous resources for research into slavery, abolition, and African Americans.

Exhibits, replicas, and tours

- In 2000, *Freedom Schooner Amistad*, a ship replica, was launched in Mystic, Connecticut. Serving to educate about slavery and discrimination, it is docked in New Haven, Connecticut; it also tours for education.
- A multi-media exhibit of the *Amistad* story is featured at the Connecticut Historical Society in Hartford, Connecticut.
- The Historical Society of Farmington, Connecticut offers walking tours of village houses that housed the Africans while funds were collected for their return home. The grave of Foone, who drowned in the Farmington River, is here, marked by a gravestone.
- The Oberlin Heritage Center (Oberlin, Ohio) provides tours of the one-room schoolhouse where Sarah Margru Kinson, a former captive who stayed in the US, studied beginning in August 1846.



Amistad memorial at Montauk Point State Park on Long Island.

Film

- A movie, *Amistad* (1997), was based on the events of the revolt and court cases, and Howard Jones' 1987 book

Literature

- The Slave revolt aboard the *La Amistad*, the background of the slave trade and its subsequent trial is retold in a celebrated^[28] poem by Robert Hayden entitled *Middle Passage*, first published in 1962.
- Howard Jones' published *Mutiny on the Amistad: The Saga of a Slave Revolt and Its Impact on American Abolition, Law, and Diplomacy* in 1987.

See also

- Abolitionism in the United States
- *Amistad* (film)
- List of United States Supreme Court cases, volume 40
- Amistad Research Center, Tulane University
- American slave court cases
- John Quincy Adams and abolitionism

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3. *A true history of the African chief Jingua and his comrades : with a description of the Kingdom of Mandingo, and of the manners and customs of the inhabitants, an account of King Sharka, of Gallinas : a sketch of the slave trade and horrors of the middle passage, with the proceedings on board the "long, low, black schooner," Amistad.* (Hartford, 1839) (http://beinecke.library.yale.edu/dl_crosscollex/brbldl_getrec.asp?fld=img&id=1313221)
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External links

- Text of *US v. The Amistad*, 40 U.S. 518 (1841) is available from: Findlaw (<http://laws.findlaw.com/us/40/518.html>) Justia (<http://supreme.justia.com/us/40/518/case.html>)
-  Wikisource has original text related to this article:
The Amistad
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