

# Segment One

# 1

## Segment One: The Rule of Law and the *Amistad* case

### PREVIEW OF MAIN IDEA

By analyzing the *Amistad* case, students will gain an understanding of the principle of the rule of law and the role of the courts in achieving justice. Even though the law sanctioned the existence of slavery in antebellum America, the courts, in applying the facts to the case, ultimately determined that the *Amistad* captives had been illegally enslaved and should, therefore, be freed on that basis.

**Note to Teachers:** *This case was chosen to show how the rule of law affected the captives on the Amistad slave ship. Teachers should ensure that students understand that this case was not decided based on the fundamental rights of liberty and freedom but on more narrowly defined issues of property and contract law. (For additional rulings on slavery, please see Quock Walker, Celia A Slave and Dred Scott in Great American Trials from Salem Witchcraft to Rodney King listed on page 9 of this curriculum.)*

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### TIME ALLOTMENT

Two (2), forty (40) minute time periods.

### QUESTIONS ADDRESSED

- What do we mean by law?
- What do we mean by the rule of law?
- What is justice?
- Is the law always fair?

### MATERIALS

1. Multiple copies of the synopsis of the *Amistad* case from *Crusaders & Criminals, Victims & Visionaries: Historic Encounters Between Connecticut Citizens and the United States Supreme Court* by David Bollier. (reading level 9.8)
2. Overhead transparencies and pens.
3. Multiple copies of the terms introduced in Segment One.

### OBJECTIVES

Students are expected to:

- Define law, the rule of law, justice and courts;
  - Understand that social pressures have impacted the judicial process and that some ethical dilemmas can arise in the pursuit of justice.
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**TERMS FOR SEGMENT ONE**

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**Abolitionist**: a person who advocates doing away with slavery. \*\*\*

**Admiralty Law**: the branch of law concerning maritime disputes. \*\*\*

**Chattel Property**: the Common Law term in the 18<sup>th</sup> and 19<sup>th</sup> Centuries, which referred to land and other forms of property. \*\*\*

**Chattels Real**: the Common Law term in the 18<sup>th</sup> and 19<sup>th</sup> Centuries used to refer to slaves. \*\*\*

**Civil Law**: the branch of the law dealing with private rights of individuals, groups or businesses including, but not limited to, contracts, personal injury and dissolution of marriages.

**Courts**: institutions that (a) determine whether a person accused of breaking the law is guilty or not guilty; (b) resolve disputes involving civil or personal rights; (c) interpret provisions of laws enacted by the legislature; (d) decide what is to be the law when none exists for certain situations, and (e) determine whether a law violates the Constitution of the state or of the United States.

**Criminal Law**: the branch of the law dealing with crimes and their punishment.

**Judicial Review**: the court's power to void any law passed by Congress or a state legislature that conflicts with the nation's highest law, the United States Constitution.

**Justice**: the principal or ideal of moral rightness. The upholding of what is right and fair. In our country, justice also includes the concept that every person is entitled to fair and impartial treatment under the law without regard to race, gender, ethnicity, age or religion. Due process requires that no law or government procedure be arbitrary or unfair.

**Law**: the rules and regulations made and enforced by government that regulates the conduct of people within a society.

**Salvage Rights**: the right to claim goods or property that remain after a casualty. \*\*\*

**The Rule of Law**: the notion that all members of society – average citizens and government officials such as senators, judges, the police and even the president – are required to obey the laws. No one is above the law.

**Treaty**: a formal agreement between two or more countries. \*\*\*

**Note**: The Constitution does not use the words “slaves” or “Negroes” or “Africans.” It uses the term “other persons” or “such persons.” Chattels Real and Chattel Property were the terms used in the trial to decide the disposition of the individuals on the *Amistad*.

\*\*\*Definitions are from *Teacher's Guide to Crusaders & Criminals, Victims & Visionaries: Historic Encounters Between Connecticut Citizens, and the United States Supreme Court*.

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**OPENING THE SEGMENT**

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Begin the segment by explaining to the students that they are going to be studying the rule of law in society and that the vehicle for this study will be the *Amistad* case, which originated in the State of Connecticut and utilized the Connecticut and federal court systems.

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**PROCEDURE**

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*Day One*

- I. Have students read the synopsis of the *Amistad case* prior to class as homework.
- II. Discuss in class the basic facts of the *Amistad* case. Suggested time: approximately **40 minutes**.
- III. Teacher should emphasize the following points:
  - A. The facts of the case:
    - In 1817 Spain signed a treaty with Britain agreeing to abolish the slave trade in 1820, but slavery continued in the Spanish colonies until 1880. Puerto Rico abolished slavery in 1873 and Cuba in 1880.
    - The international law that the U.S. was required to follow stated that all those born before 1820 could be enslaved. If they were born after 1820, they could not be enslaved. The captives on board the *Amistad* had been given false papers certifying birth before 1820 and therefore were fraudulently enslaved.

**Timeline:**

- August, 1839: The *Amistad* Ship is sited off Long Island; U.S. Navy boards ship and escorts to New London;  
Africans are sent to jail in New Haven; Spanish government demands return of the *Amistad* ship, the Africans and its cargo to Spain; Slave traders demand return of the ship Africans and cargo, as well; Navy commanders demand salvage rights of the *Amistad* ship and property;  
  
Abolitionists take up the cause in defense of the African slaves and their freedom by raising funds and providing legal counsel;

- September, 1839: U.S. Circuit Court in Hartford dismisses piracy and murder charges against captives; U.S. Circuit Court instructs Federal District Court to take up competing claims in a *second* trial over what should be done with the Amistad ship, the African captives and its cargo;
- January, 1840: Trial held in Federal District Court in New Haven where the judge rules that the Africans were not slaves, even under Spanish law, and should be released; Judge Andrew T. Judson awards 1/3 of the salvage rights of the Amistad and its cargo to Lieutenant Commander Gedney and Lieutenant Meade;

U.S. government appeals the case on the issue of the release of the African captives to the Circuit Court in New Haven; Circuit Court affirms the district court's ruling; U.S. government appeals the Circuit Court ruling to the United States Supreme Court;

- March, 1841: Supreme Court upholds the Circuit Courts ruling that the Africans had been illegally pressed into slavery and, therefore, the Spanish treaty could not be enforced. The Supreme Court also upheld the right to rebel against unlawful slavery;
  - November, 1841: 35 survivors of the original 53 African captives return to Sierra Leone.
- B. The cause of the Mutiny on board the Amistad: *The mutiny was caused by a reduction of the daily food rations given to the African captives and a fear that they would be killed in order to conserve food due to a voyage that was longer than anticipated.*
- C. How the Amistad ship and its crew arrived off the coast of Connecticut: *For two months after the mutiny, the Amistad sailed through the Bahamas and up the North American Coastline into United States waters and eventually to Long Island. The ship was discovered by Lieutenant Commander Gedney and Lieutenant Meade of the United States Navy and escorted to New London.*
- D. Why the case was tried in Connecticut: *Upon discovering the Amistad and its crew members, the captives were arrested and sent to New Haven, where they were jailed pending a trial at the New Haven Courthouse on charges of piracy and murder.*

- E. Why the case became an international incident: *The United States and Spain raised competing claims for ownership rights to the ship, its crew and cargo. The Spanish government cited a 1795 treaty that stated that if a vessel of either nation was forced to enter the other's port "under urgent necessity", that ship would be released immediately. Conversely, the United States asked the court to give them salvage rights to the ship, the crew and its cargo because they had found the broken down vessel at sea, and therefore were entitled to whatever price the ship and its contents could bring.*
- F. The decision of the first trial by the U.S. Circuit Court in Hartford on the charges of piracy and murder: *The court dismissed the piracy and murder charges and instructed the lower district court to take up the issue of competing claims in a second trial over what should be done with the Amistad ship, the African captives and its cargo.*
- G. The decision of the district court on the second trial concerning the rights to the ship, its crew and cargo: *In January 1840 the district court Judge, Andrew T. Judson, ruled that the Africans were not slaves, even under Spanish law, and therefore had to be released. Judge Judson also awarded 1/3 of the salvage rights of the Amistad and its cargo to Lieutenant Commander Gedney and Lieutenant Meade. The government appealed the judge's ruling on the issue of the release of the African captives. The appeal was brought before the Circuit Court in New Haven, which affirmed the district court's ruling and was eventually brought before the United States Supreme Court in Washington, D.C. for a final determination on the matter.*
- H. The final ruling by the Supreme Court. *The Supreme Court upheld the district court's ruling that the Africans had been illegally pressed into slavery and, therefore, the Spanish treaty could not be enforced. The captives were entitled to their freedom. The Supreme Court also upheld the right to rebel against unlawful slavery.*

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## NOTES

*Day Two*

- I. Divide the class into groups of no more than four students. Have students in their groups come up with definitions based on the *Amistad* case for the following terms. Teachers should instruct students to use personal knowledge of the terms as well as information acquired through the reading of the case and the general class discussion. Suggested time: approximately **20 minutes**.
  - Law
  - Rule of Law
  - Justice
  - Courts
  
- II. Give each group a clean overhead transparency and marker on which to write the definitions reached by consensus. Have one student from each group present and defend the group's definitions.
  
- III. Discuss the merits of each group's definitions and then pass out to the class the definitions provided with this curriculum packet. Discuss with the entire class how each group's definitions compared with those provided in the packet. Suggested time: approximately **20 minutes**

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**NOTES**

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**HOMEWORK ASSIGNMENT**

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Students will complete an essay with a minimum length of five paragraphs on the following questions:

1. What laws or laws did the courts use to determine whether the captives should be considered slaves or whether they should be declared free people?
2. How did the court apply these laws to the facts of the case and how did they rule?
3. Was justice achieved?

Teachers should look for:

1. A clear statement that the courts applied: *two laws in determining whether the captives should be considered free individuals or slaves:*
  - a. *An international law between the United States and Spain that stated all those born before 1820 could be enslaved. If they were born after 1820, they could not be enslaved.*
  - b. *A 1795 treaty that stated if a vessel of either nation were forced to enter the other's port's "Under urgent necessity," that ship would be released immediately.*
2. A clear statement indicating:  
*The courts determined that the slaves were given false birth certificates and that they were born before 1820. Thus, under the international law they could not be enslaved. Also, the court determined that the 1795 treaty was not applicable to the facts of this case and awarded 1/3 of the salvage rights to Lieutenant Commander Gedney and Lieutenant Meade of the United States Navy.*
3. A clear statement that:  
*This case is an example of a just outcome resulting from an unjust law. Justice was achieved for the African captives because they were freed. The international law, which stated that all those persons born before 1820 could be enslaved and if they were born after 1820, could not be enslaved, was unjust in that it sanctioned slavery. However the law provided the judges with a framework to determine that the African captives were illegally enslaved and that they were not subject to Spanish rule. Thus, the African captives were freed.*

*At the time that this case was decided there was strong public sentiment in both favor and opposed to slavery. The decisions of the judges to uphold the freedom of the African captives throughout the appellate process reaffirmed the importance and need of interpreting and obeying the law without fear of reaching a conclusion that might seem unpopular to the general public.*



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**EXPANDED ACTIVITIES**

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Additional Questions beyond Minimum Use of Segments for Research and Discussion.

1. It is sometimes said that controversy outside the courtroom interferes with the judicial process and puts justice at risk. Yet for landmark cases like the Amistad, public interest and debate might also be considered a vital part of the proceedings, the means by which the social significance of a court proceeding is illuminated. How does the controversy both serve and threaten the cause of justice?

*Public interest in the outcome of a particular case may threaten justice. The media have a great deal of influence on the political attitudes of the populace, as the media filter the events that become part of the news. Oftentimes, the media portray courtroom activities in a sensational fashion that stresses the negative aspects of the proceedings to attract the greatest number of viewers or readers. The media, unfortunately may lack a thorough understanding of the law. Their failure to inform the public about all of the intricacies of a particular case may diminish the public's trust and confidence in our system of justice.*

*Public interest in the outcome of particular cases may serve the cause of justice in cases where members of the public believe that the outcome was not fair. Perhaps the law that was applied in the case was unjust. By bringing information about the case to the public at large through the use of headlines, editorials, news programs and other outlets, it is possible that legislators may decide to alter the law to ensure that it produces justice.*

2. What makes a case a landmark or precedent for future cases?

*“A landmark decision is a decision of the Supreme Court that significantly changes existing law. Courts attempt to decide cases on the basis of principles established in prior cases. Prior cases which are close in facts or legal principles to the case under consideration are called precedents” Blacks Law Dictionary*

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**Resources on Law, Rule of Law, Justice and Courts**

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Arbetman, Lee P. et. al. *Great Trials in American History: Civil War to the Present*. (St. Paul: West Publishing Company, 1985)

Knappman, Edward W., editor. *Great American Trials from Salem Witchcraft to Rodney King*. (Detroit: A New England Publishing Associates Book, 1994)

Lockard, Duane and Murphy, Walter F. *Basic Cases in Constitutional Law*. (Washington D.C., Congressional Quarterly, 1987.)

*When Justice is Up to You; Celebrating America's Guarantee of Trial by Jury*. (National Institute for Citizen Education in the Law, 1992.)

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**Additional Resources on Amistad \*\***

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Websites

*Amistad* ([www.Amistad-thefilm.com](http://www.Amistad-thefilm.com)) companion site to the Steven Spielberg film.

*Amistad* America ([www.Amistadamerica.org](http://www.Amistadamerica.org)) project to build a replica of the Amistad vessel.

The *Amistad* Research Center ([www.arc.tulane.edu](http://www.arc.tulane.edu)) major archival repository for the study of African American history.

The Anacostia Museum ([www.si.edu/organiza/museums/anacost/anachome.htm](http://www.si.edu/organiza/museums/anacost/anachome.htm)) home to the Center for African American History and Culture of the Smithsonian Institution.

Exploring *Amistad* ([www.Amistad.mysticseaport.org](http://www.Amistad.mysticseaport.org)) online educational site.

NetNoir Online ([www.netnoir.com](http://www.netnoir.com)) gateway to African American culture.

The Smithsonian Institution ([www.si.edu](http://www.si.edu)) America's national museum.

Secondary Sources

James Warner Barber, *A History of the Amistad Captives* (1840; reprinted 1969)

Joyce Annette Barnes, *Amistad* (Junior novel based on the screenplay, 1997)

Lawrence Goodheart and Hugh Hawkins; editors, *The Abolitionists* (1995)

Howard Jones, *Mutiny on the Amistad* (1987; rev.ed. 1997)

Helen Kramer, *The Amistad Revolt, 1839* (1973)

B. Edmond Martin, *All We Want Is Make Us Free* (1986)

Walter Dean Myers, *Amistad: A Long Road to Freedom* (1997)

William A. Owens, *Black Mutiny* (1968; reprinted 1997)

Alexs Pate, *Amistad* (novel based on the screenplay, 1997)

Steven Spielberg, *Amistad – "Give Us Free": A Celebration of the Film* (1997)

Karen Zeinert, *The Amistad Slave Revolt and American Abolition* (1997)

\*\* Resources taken from *Amistad* Learning Kit prepared by Lifetime Learning Systems, Inc., Stamford, Connecticut to accompany the Steven Spielberg film, *Amistad*