

Federal Historical Records on the *Amistad* Case

The Steven Spielberg film Amistad is a fictional account based on an actual event. But for historians the federal government has a huge trove of official correspondence on the actual case.

by Walter B. Hill Jr.

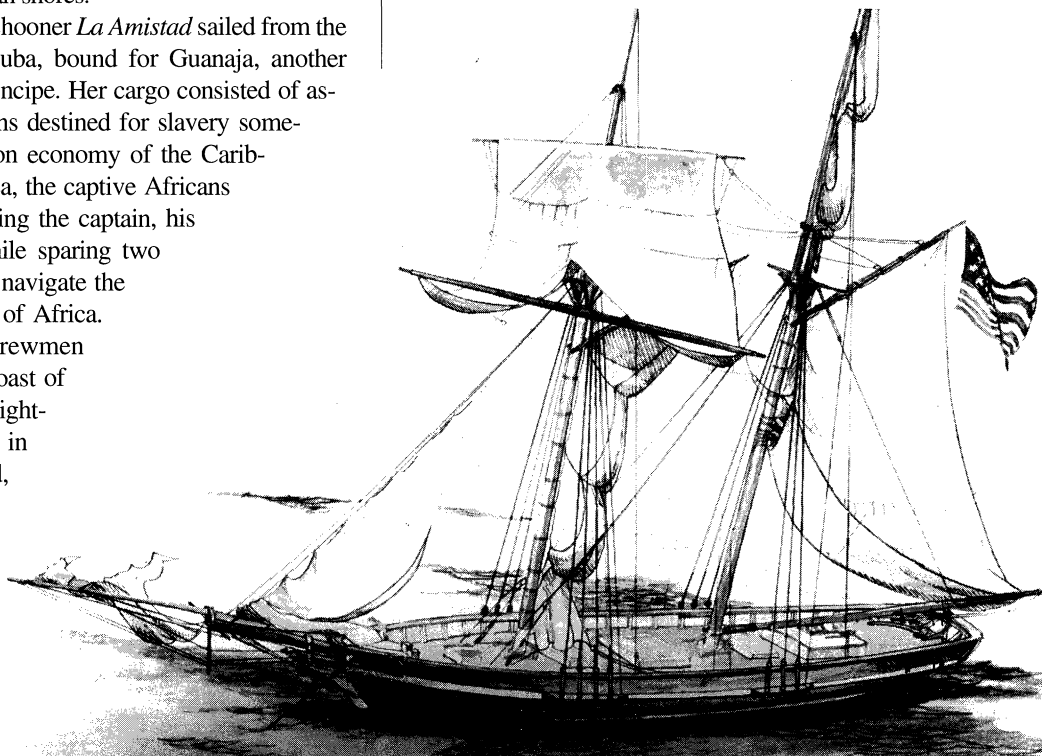
THE MOVIE *Amistad* is generating considerable discussion and introspection regarding the institution of slavery and the slave trade. Not since the TV docudrama *Roots* has there been so much focus on the slavery experiences of Africans. The slave trade and slavery became the ultimate contradiction in the unfolding of American history. In its Constitution, the United States of America granted its white citizens "certain unalienable rights" while at the same time suppressed the rights and freedom of thousands, ultimately millions of Africans and African Americans. The Constitution stated that Congress could make no law prohibiting the importation of African slaves into the United States until 1808. From this constitutional structure emerged a series of congressional acts that regulated slavery in reference to United States citizens and vessels, in U.S. territories, and protected the policy of states that had abolished slavery. While these acts empowered the government to suppress the slave trade, Congress and the federal courts also provided for the protection of the existing institution in the slave states. The *Amistad* case must be viewed in the context of a national government struggling with itself to simultaneously contain the barbaric international slave trade while allowing the institution of slavery to exist and prosper on American shores.

In July 1839 the Spanish schooner *La Amistad* sailed from the Spanish port of Havana, Cuba, bound for Guanaja, another Spanish port near Puerto Principe. Her cargo consisted of assorted goods and 53 Africans destined for slavery somewhere in the sugar plantation economy of the Caribbean. After a few days at sea, the captive Africans overwhelmed the crew, killing the captain, his slave, and two seamen, while sparing two crewmen. They intended to navigate the ship back to the west coast of Africa. But the two Spanish crewmen steered the ship along the coast of the United States until they sighted land on August 26, 1839, in the vicinity of Long Island, New York. There they landed the vessel to procure water and provisions. As the vessel cleared the coast, the crew of U.S. Brig *Washington* halted and boarded the *Amistad*. The commander seized the ship, its cargo,

and all persons aboard, and took the Africans to New London, Connecticut. A. Calderon de la Barce, the Spanish minister to the United States, demanded the release of the vessel, the cargo, and especially the Africans, to Spanish authorities. U.S. Secretary of State Forsyth promptly instructed authorities to secure the ship's papers, to prepare the case for review by the President, and to keep the case within federal jurisdiction.

Federal Historical Records of the *Amistad* Case

Through the prism of federal records, a remarkable story unfolds about the government's reaction and response to this international incident. The records illuminate the complex position of the United States government regarding slavery and, in particular, the international slave trade. The general records of the Department of State contain numerous documents relative to the case of the *Amistad*. The documents reveal the exchange between the Spanish minister, the U.S. district attorney in Connecticut, the attorney general of the United States, and the secretary of state. Extraordinary rich details are provided about the case and the United States government's position and jurisdiction relative to the international slave trade. Among the docu-



This replica of the Amistad is currently under construction for display at the Mystic Seaport Museum in Connecticut.

ments are copies of the *Amistad* papers when it cleared Havana, Cuba. The actual ship documents remained with the court records. These records are all on microfilm and contain name and subject indexes. The notes and letters are roughly arranged in chronological order. They are grouped in volumes, each of which begins with an alphabetical index to the letters.

Among the general records of the Department of Justice are several series that detail the unfolding of the *Amistad* case. The records are primarily located among records that pertain to the correspondence of the attorney general. The President, secretaries of state and Navy, and the district attorney for Connecticut corresponded with the attorney general seeking his opinion, guidance, and instructions. These letters provide a rich detail of many particulars of the *Amistad* case. The records consist of the original letters in folders arranged by date spans. The attorney general provided his legal opinions on most matters that came before the courts. Request for opinions came from numerous sources including the President of the United States, and in most cases the attorney general responded. The opinions delineated the laws of the United States government on particular questions about the *Amistad*, underscored matters of executive and congressional authority, and emphasized jurisdictional issues.

Congressional records relative to slavery and the slave trade can be voluminous. Despite this, these records are critical because the Congress had liberty to determine the fate of both. The case of the *Amistad* appears in some of the records on both sides of the Congress. The records of the Congress are arranged by individual Congresses, and the guide to the congressional records is extremely useful to locate records relative to *Amistad*.

The actual court case records of the *Amistad* can be found in Record Group 21 of United States District Courts and Record Group 267 of the Supreme Court. The original records of the Connecticut district court case are held at the National Archives' Northeast Regional Archives at Waltham, Massachusetts. When the Supreme Court received the case, the hearings were held in Washington, D.C., and the original court briefs and justices' opinions are now maintained by the National Archives in Washington, D.C.

On March 9, 1841, the Supreme Court ruled that all of the Africans were legally free, that they had never been slaves because the African slave trade was illegal, and that they should be released and be permitted to return to Africa. The Court also affirmed that "it was the ultimate right of all human beings in extreme cases to resist oppression, and to apply force against ruinous injustice."

The justices were comfortable making this ruling despite the opposition of the defenders of slavery in American society. They knew the ruling pertained only to the international slave trade and not the maintenance of slavery in the United States.

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The Case for Minority Faculty

Shattering the Silences

A film by Stanley Nelson and Gail Pellett
(California Newsreel, 87 minutes, \$295.00)

Reviewed by Curtis R. Conway Jr.



Shattering the Silences is a documentary film about the assault on educational opportunities for minorities. The film looks at the ivory tower tradition at some of America's leading college campuses through the unconventional eyes of eight minority scholars. These include Nell Irvin Painter, Edwards Professor of History at Princeton University, and Darlene Clark Hine, John A. Hannah Professor of History at Michigan State University. Their powerful narratives destroy the myth about "underqualified minorities taking the jobs of superior white men."

One of the best episodes of *Shattering the Silences* is Professor Hine's description of the event that persuaded her to write *Black Women in America*. This is the most comprehensive encyclopedia of achievements of black women from seventeenth-century slave women to contemporary female African-American scholars. In this section of the film Professor Hine recalls that in 1980 she received a phone call from a woman by the name of Shirley Herd, a schoolteacher from Indianapolis, Indiana:

"She said to me, 'I'm calling because I want you to write a history of black women in Indiana.' And I responded, 'Mrs. Herd, you cannot call up a historian and order a book the way you drive up to Wendy's and order a hamburger. We historians do not work like that.' And Mrs. Herd was undaunted. I said, 'Mrs. Herd, I cannot write a history of black women in Indiana because I don't know anything about black women.' And she said in that black woman's voice and I knew that she had her hands on her hip, 'Let me get this straight. You are a black woman, aren't you?' I said 'yes.' She said, 'you are a historian, aren't you?' I said 'yes.' And she said that 'you mean to tell me that you can't put those two things together and write a history of black women in Indiana?' And I was dumbfounded, stupefied. And that was the beginning of my commitment to telling the truth, to lifting the veil, to shattering the silence about black women in American history."

Shattering the Silences is not entertainment in the popular genre of such films as *Booby Call* or *Dead Presidents*. But the film is important in that it confronts the assault against minority faculty and affirmative action, a subject that movie audiences — and disproportionately African-American audiences — consistently ignore.