

The Amistad Trial
Setting the Record Straight
at the
State House in Hartford, Connecticut
September 17, 1839

A Dramatic Presentation
by the
Historic Interpretation Staff
Old State House
Hartford, Connecticut

The Amistad Trial
Setting the Record Straight

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Script by
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Cast

Prudence Crandall
Narrator and Court Clerk

Bailiff

Roger Sherman Baldwin
Attorney for the Amistad Africans

Ralph Ingersoll
Attorney for the Spanish owners of the Amistad, its cargo, and slaves

Don Pedro Montes
Reputed owner of Negroes aboard the Amistad

Andrew Judson
Federal Judge, Court of the District of Connecticut

Acknowledgements

The Amistad Trial--Setting the Record Straight is a dramatic presentation of events surrounding the capture and trial of the African's aboard the *Amistad* in 1839. The speeches and scenes in the script are recreations based on available historic records. Where possible, we have used the exact text from the historic record. We would like to thank the Amistad Committee of New Haven, Connecticut for making available to the public a large number of historic documents and interpretations. These were invaluable to us. We would also like to thank the Connecticut State Library and The Connecticut Historical Society in assisting us with our research. We especially appreciated Ralph Elliot's help in understanding the legal proceedings of the U.S. Circuit Court and U.S. District Court of Connecticut that occurred during the *Amistad* trial.

SETTING THE STAGE

(Ingersol, Montes, Baldwin, Judson and Harris/Crandall enter together. All remain standing at assigned settees. Harris/Crandall looks to right, then left. When she looks at the audience to begin speaking the men sit.)

Sarah Harris

Good day, my name is Sarah Harris, one of the first colored girls to attend a school for Young Misses of Color in Canterbury, Connecticut in 1833. A Quaker lady by the name of Prudence Crandall was a teacher who owned and taught at this facility. Miss Crandall did not agree with wanting to educate me at first, but after I showed her copies of the *Liberator*, an abolitionist newspaper, she became convinced of the need to educate colored girls and admitted me. The townspeople protested and pulled their daughters from the school. Crandall had no other choice but to recruit colored students from different states to keep the school open. When she did, the townspeople harassed us. They smeared manure on the steps of the school, threw rocks at us and even tried to burn down the school. A man named Andrew Judson worked with Connecticut's General Assembly to pass a piece of legislation which would close down this school and stop my education. The bill was passed in 1834 and became known as the Black Law. Crandall refused to obey this law and was jailed. Once she was released, she had to close the school because it could not withstand any more abuse. Five years later the Black Law was repealed.*

Prudence Crandall

Good day. I am Prudence Crandall.

Just six years ago in 1833, across the hall in the House of Representatives, the General Assembly, under the urging of Senator Andrew Judson of Canterbury, passed the *Black Law*. This Law forbid the education of young misses of color in my school that was next door to Mr. Judson's home. I was imprisoned because I refused to obey that ugly piece of legislation.

The next year, downstairs in the Supreme Court, the state's highest justices overturned my conviction. But, my school could not withstand the continuing assaults from the townspeople of Canterbury and closed shortly thereafter. I eventually moved on to other missions.

These incidents in Canterbury, ignited the conscience of the nation, bringing thousands of new supporters to the Abolitionist Movement.

(Pauses long enough for audience to absorb this part of the story, and to provide a transition to the Amistad account.)

(Cross SR) *Here in the State House on September 17, 1839, Connecticut is again the focus of a challenge to the cruel institution of slavery in the United States.

The story begins in this way. A mysterious sailing ship wanders into Long Island Sound off the coast of Connecticut. The U.S. Navy vessel, *Washington*, spots the tattered *Amistad*, boards her, and discovers a band of starving and desperate Negroes guarding two captured Spaniards and their slave. The *Washington* seizes the *Amistad* and the Negroes, then sails for New London.

(Pauses.)

Now, do you remember that it was Andrew Judson who sponsored the Black Law against my school in Canterbury? That same Andrew Judson is now a Federal Judge. He conducts a hearing aboard the *Washington* where he listens to the testimony of Don Pedro Montes, the Spaniard claiming ownership of the Africans. (Sit)

Don Pedro Montes:

(Montes walks to the witness chair. Sits. Judson stands. Crandall sits)

I went to Havana from Puerto Principe with my friend Jose Ruiz to purchase slaves for our plantations. At the market in Havana, I purchased three girls and a boy, and Ruiz purchased 49 men. Our Bills of Sale for the slaves were found aboard the *Amistad* by the crew of the *Washington* and given to Judge. All of these slaves are listed as *Ladinos*—legal slaves who have lived a long time in Cuba. We contracted with the Captain of the *Amistad* to bring ourselves and our slaves back to Puerto Principe.

Three days into our voyage, a great storm swept over the ship, terrifying the slaves and the crew. The next night, I was awakened by a noise on the deck. It was the sound of the Negroes attacking the mulatto cook. I heard the Captain order the cabin boy to get some bread and throw it to the Negroes in hopes of quieting them. I went on deck and they attacked me. I seized a stick and a knife with a view to defend myself. I did not wish to kill or hurt them.

Oh, Holy Mother of God! I was wounded on the head severely with one of the sugar knives. Also on the arm. I then ran below and stowed myself between two barrels and wrapped myself up in a sail. The Negro ran after me and tried to kill me, but was prevented by the interference of another man.

I was then taken on deck and tied to the hand of Ruiz. I was much afraid. I had lost much blood. I know nothing of the murder of the Captain. All I know is that I heard the attack on the mulatto cook while he slept. Next morning, the Negroes had washed the decks.

After this I was commanded to steer for Africa since I once sailed such a ship. I told them I did not know the way.

The Negroes treated me harshly. But for the intervention of others they would have killed me several times every day. I was much afraid.

We were compelled to steer East in the day. But, in the night, we steered west and kept to the north as much as possible.

I did not know how many days we had been out. The Negroes had decided I could not or would not take them to Africa.

The day before we were rescued by the *Washington*, they pronounced my death sentence and the grim crew gathered with uplifted sabres around my head and sang my death chant.

(Montes doubles forward, drops to the floor, muttering in Spanish, "Holy Mother of God, I am safe, I am safe.")

Harris/Crandall:

(Stands)

Judson determines that the adult prisoners should be tried in the U.S. District Court in Hartford for mutiny and murder on the high seas. Will the Bailiff bring in the witnesses?

(The Bailiff leads in three "invisible" Negro girls through SC door and indicates they are to sit on the witness bench, just to stage left of the center. Bailiff sits SL settee)

Three under-aged Negro girls, Margrui, Teme and Kague are to be held as material witnesses.

The chief attorney representing the Negro girls and the Negro men is Roger Sherman Baldwin.

(Baldwin x to table. Remain standing)

The chief attorney representing Don Pedro Montes, and the owners of the *Amistad* and its cargo is Ralph Ingersoll.

(Ingersoll x to table, sit)

Roger Sherman Baldwin:

(Stand, cross to witness bench..)

These are children. No one has accused them of a crime. They are no person's property. They are the free children of free-born Africans caught up in an illegal slave trade. Yours and my grandfathers risked all and shed their blood to rid this soil of illegal imprisonment. Yet, these children are illegally imprisoned in a miserable and squalid jail. I have filed a *Writ of Habeus Corpus* in the United States Circuit Court to release these innocents.

(Baldwin returns to his chair at table)

Ralph Ingersoll:

(Stand)

Our grandfathers also shed their blood for their right to own and protect their property! The girls in question were legally purchased by my client, Don Pedro Montes. They are his property – just as slaves in the United States are the property of their owners. The girls are a part of the cargo of the *Amistad*. And they must be held as material witnesses to a cruel butchery. **(Sit)**

Roger Sherman Baldwin:

(Stand, approach audience)

Slavery, ladies and gentlemen, we all know to be a vile thing that must be removed from this land. But I know, for political reasons, our government has no stomach to take on the matter of slavery to secure the freedom of three African children. In a federal court, I cannot make slavery the focus of my argument on behalf of the Africans. But these children. These innocent children. I shall use them to drive a wedge in the Spanish case.

(Baldwin turns and addresses Ingersoll, and then addresses the audience.)

Mr. Ingersoll, it is not at all clear from the evidence that the Africans aboard the *Amistad* were legally purchased. And if they were not, then they are not any man's property, and they were within their rights to seek their freedom from captivity.

And why are we in the Connecticut District Court? The *Amistad* was seized in New York's Long Island Sound. But the owners of the boat wish to be here, for in Connecticut slavery is still legal.

(Baldwin turns to Ingersoll and speaks loudly.)

Let these innocent children go. **(Return to table, sit)**

Ralph Ingersoll:

(Approach audience)

This is not a simple issue. Yes, all of us in this room detest slavery. We long for the day it is no longer a burden on our conscience. But, would you allow the savage attacks of primitive Africans to lead this nation to the brink of a war that well might wreck these United States? That is the concern of our president, Mr. Van Buren, not his political ambition. Finding our way through the national agony of slavery will take the utmost diplomacy, and love for country. We cannot let this case inflame our division over slavery. That the Negroes aboard the *Amistad* tortured and brutally murdered innocent people is fully accepted by all in this court room.

So , for the good of our nation, I will argue on behalf of the law as it stands today, as much as it might repel me. (*Ingersoll turns to Baldwin, and then back to the audience.*) Mr. Baldwin, our law declares these children to be the rightful property of Don Pedro Montes. They must be held.

Andrew Judson:

(Stand, approach rail)

I know too well what treacherous waters these are. No one is steady or single minded on the issue of slavery in this country. My reputation has been damaged by our fickle habits. Six years ago, across the hall, our General Assembly overwhelmingly supported the Black Law I introduced. Then, just last year, embarrassed by their deed, they quietly overturned that same law.

I need no more of this debate. I regret ever hearing of the *Amistad*. And now President Van Buren has taken a personal interest and wishes the matter settled on behalf of the Spanish.

But how to get rid of it and restore my reputation?

Bailiff:

(Hands Judson his book as Judson finishes, then steps forward.)

Hear Ye Hear Ye. The District Court of Connecticut is now in session. All rise for the Honorable Andrew Judson.

You may be seated. (**Bailiff sit**)

HEARING THE CASE IN HARTFORD

Ingersoll:

(Remains standing and addresses judge)

Your honor, you have heard Don Pedro's horrifying account of murder and torture aboard the *Amistad*. These girls are important witnesses to those events. And, Your Honor, you have recovered the papers from the *Amistad* that prove that Don Pedro is the rightful owner of these three slave girls, and a boy as well. **(Return to seat)**

Baldwin:

(X to witness bench)

Your Honor, how old are these children? The esteemed Mr. Gallaudet who directs the Asylum for the Deaf in Hartford, used sign language to interview the Africans. *(He holds up 7 fingers.)* This child here is seven years old. This other here is not much older, and this one has not reached her ninth year.

In 1820, Your Honor, the Spanish government signed a Treaty with Great Britain outlawing the slave trade in both countries. No Africans could be brought as slaves to the Spanish colony of Cuba after that year.

Nineteen years ago! Before these children were born.

Further, Your Honor, none of the Africans aboard the *Amistad* speak or understand a single word of Spanish. In Cuba for nineteen years without learning a word of Spanish?

(Turns towards Don Pedro and Ingersoll, speaks very carefully and slowly.)

If Don Pedro is telling the truth that these children were born in Cuba, then let him speak to them in Spanish, and let us hear them respond in Spanish.

Don Pedro should be scorned, not pitied. He has illegally purchased these children from pirates who kidnapped them from their homes.

Ingersoll:

(Stand)

I most strenuously object Your Honor! Mr. Baldwin has tried every imaginable maneuver to avoid bringing this case to your District Court of Connecticut. We know he would prefer the case be heard in New York where he hopes to receive a more favorable decision.

Yesterday in this very room he filed his *Writ of Habeus Corpus* in the Circuit Court of Appeals to challenge your decision to hold the Africans for trial in this District

Court—using these three girls to gain the Court’s sympathy and attention. Then he used the *Writ* as a strategy for introducing his entire case in the Court of Appeals—thus attempting to avoid a hearing in your Court altogether. He wants to take this matter to the United States Supreme Court without your District Court ever ruling on the facts in the case.

Today, Your Honor, the Circuit Court has ruled that you must decide on the proper jurisdiction of this case and whether these slaves can be claimed as a part of the cargo of the *Amistad*.

And where is Mr. Baldwin’s evidence? Where is Mr. Gallaudet who allegedly interviewed the Africans? Where is the proof that Don Pedro’s papers are fraudulent?
(Remain standing)

Baldwin:

(Remain standing)

Evidence, Your Honor? Evidence? We have not heard a word from the Africans themselves. Certainly you will not decide so grave a case without hearing their account of events aboard the *Amistad*.

Judson:

It is not only Don Pedro Montes who makes a claim on these girls. Mr. Ingersoll, the captain of the *Washington* who brought the *Amistad* to New London claims the cargo, including the Africans, as salvage. And, Mr. Baldwin, as you know, the United States government believes we have a treaty obligation to return the cargo, including the slaves, to Spain.

However, two issues are clear at this time.

(Reads from his notes.)

First, this Court has no authority to dispose of these girls or the other African captives as salvage.

Secondly, the testimony of Don Pedro Montes and others indicates that the mutiny aboard the *Amistad* occurred outside of United States territory. They cannot be tried in a United States court for mutiny and murder.

These issues are then decided.

(Judson sounds gavel once.)

The issues that must still be decided are these:

Where did the *Washington* seize the *Amistad*? The high seas? New York? Or Connecticut? We need more evidence before we can decide this matter. If the *Amistad* was seized on the high seas, or in Connecticut waters, then this District Court of Connecticut will have to decide on the claims for the cargo and the slaves.

On the matter of the slaves, the Court needs more evidence as to whether they were legally brought to Cuba and therefore to be held as property.

This District Court of Connecticut will meet in Hartford on the third Tuesday of November next to decide these issues after it has been presented with the evidence from all parties.

In the mean time, I will order that the Africans from the *Amistad* post bail...

Ingersoll:

(Steps towards Judson, interrupting him)

Your Honor! If you release the Africans, what security do we have that they will be present for the next Court?

Judson:

(Takes a moment to consider Ingersoll's challenge.)

Mr. Ingersoll I will place a bail on the Africans equal to their value as slaves in Cuba. I believe that amount is recorded as...*(Shuffles through papers looking for the amount.)*

Baldwin:

(Approaching the Judge)

That is totally unacceptable, Your Honor! We would be acknowledging that the Africans are indeed slaves, and we deny this absolutely! If you wish security, Mr. Ingersoll, I personally will vouch for these children and...

Judson:

Enough, Mr. Baldwin!

As you refuse to post the bail, sir, the Africans will remain in jail in New Haven. I will order the Marshall to provide the Africans with comfortable surroundings and adequate food and clothing.

The District Court of Connecticut is adjourned.

(Sounds gavel, rises and retires to settee SL corner)

(Bailiff leads out the three African girls through SC door)

(Montes exits SR door)

From New Haven to the Supreme Court

Baldwin:

(Approaches the rail and addresses the audience hurriedly.)

We accomplished all we could expect in Hartford. The African captives are no longer charged with mutiny and murder, so we will hear no more gruesome accounts about events aboard the *Amistad*.

But my esteemed colleague, Mr. Ingersoll, is quite correct. Our evidence is weak. We must find a reliable witness to challenge the Cubans' Bills of Sale for the Africans. We must hear from the Africans themselves how they came to be in Cuba and what occurred aboard the *Amistad*.

(Baldwin returns to table, opens a book and studies it while he takes notes.)

Ingersoll:

(Comes forward to the rail center and takes out a piece of note paper.)

Listen to this! *(He holds up a note.)*

This is from the President of the United States, Martin Van Buren:

“Take care that no proceedings of your Circuit Court, or any other judicial tribunal, places the vessel, cargo, or slaves beyond the control of the Federal Executive.”

The U. S. Attorney handed this to me just before the Court opened in Hartford.

Remember, I told you this was not a simple issue? President Van Buren is counting on Democrats in the Southern States to support his reelection next year. He does not want Northern Abolitionists stirring up the slavery issue. Nor does he want an international confrontation with Spain on the eve of the election.

Mr. Baldwin’s strategy in Hartford, I must admit, has been brilliant. Not only has he persuaded the Court to drop the charges of murder against the Africans, but he has brought into question every aspect of this case!

I am no longer representing the Cubans and the Spanish owners of the *Amistad*. With this note from the President, I am sure the U.S. Attorney wants to select a legal team that he believes will defeat Mr. Baldwin when the case comes to Court again.

(Ingersoll goes to the settee stage right.)

Baldwin:

(Remain seated. Address audience)

A great deal to do in a very short time!

Fortunately we obtained the testimony of Dr. Robert Madden. He is the British Commissioner in Cuba overseeing the 1820 Treaty between Great Britain and Spain that abolished the slave trade. The Judge, Andrew Judson, was most impressed with Madden’s high character and his knowledge of how the illegal slave trade operates in Cuba. Pirates kidnap the Negroes in Africa, bring them to Cuba, bribe public officials and prepare false documents, and then sell them as slaves to local plantation owners and slave merchants.

The Judge, all of us, found it a disgusting business!

The Best News! (Stand. Approach audience)

Professor Gibbs of Yale Divinity has found a way to learn the prisoners' Mende language.

He spent hours with the prisoners in New Haven, learning to count in their language. *E-ta, fele, sau-wa, na-ni, lo-lu . . .* One, two three, four, five...

He then went down to New York's waterfront. Each time he noticed a Negro sailor he would begin counting in Mende.

(Baldwin walks back and forth along the length of the rail, counting in Mende.)

Day after day he returned to the shipping docks

(Counts in Mende.)

At last! A sailor aboard the British warship *Buzzard* approached him.

"Eh, mate, why are you counting in Mende?"

Gibbs was jubilant. At last the African's tale could be told! He persuaded the sailor, James Covey, to come to translate for the prisoners of the *Amistad*.

(Baldwin leads Covey back to senate chair, stage left.)

Harris/Crandall:

(During this speech she crosses slowly SR to SL.)

By the November Court Date, the Judge had heard the evidence of Robert Madden from Cuba. Seven of the Africans, with their new translator James Covey, gave evidence about their illegal capture in Africa, their sale in Cuba, and the torture they endured at the hands of the Captain of the *Amistad* and Ruiz and Montes.

Still unresolved was the matter of exactly where the *Washington* seized the *Amistad* before bringing it to New London. This would determine if the case would be heard in Connecticut or New York. Andrew Judson adjourned the District Court until January 7th, 1840 in New Haven. *(Sits on settee SL)*

Ingersoll:

(Approaches audience)

President Van Buren is absolutely determined that the *Amistad* case will go no further than New Haven.

The President and the District Attorney are confident that Andrew Judson will decide the case in favor of the government and return the cargo and slaves of the *Amistad* to Spain. After all, this is the same Andrew Judson who closed down Prudence Crandall's school. And Judson was appointed a Federal Judge by the Democrats. They have right to expect his loyalty.

As the *Amistad* trial resumes in New Haven, President Van Buren orders the U.S. Navy schooner *Grampus* to New Haven. This is the plan: Judson will decide against the Africans; and before the Abolitionists can appeal the case, the *Grampus* will take the Negroes under custody and return them to Cuba.

Many of us believe the President had gone to disgraceful extremes to thwart justice in the courts.

(Ingersoll returns to the settee SR)

Harris/Crandall:

(Crosses slowly to left of centre, holding lantern and singing "Amazing Grace, how sweet the sound, That saved a wretch like me.")

The Abolitionists stood watch in shifts, day and night, before the New Haven jail, lest the President of the United States seize the Africans before the trial concluded. They were prepared to hide the Africans if necessary.

(Crandall moves quietly back to settee. Remains standing and humming until the end of Baldwin's speech)

Baldwin:

(Walks powerfully to the front rail center. Raises his arms in front of him.)

"Give Us Free! Give Us Free!"

These words settled the case.

We had done all we could to prepare for trial. Our witnesses were strong, our evidence certain. But we knew the Judge, Andrew Judson, did not want to cross the President of the United States whose Navy waited at Long Wharf to return the Africans to Spain.

Sengbe came into court, moving like a Prince up the aisle, rather than a hopeless captive or brutal murderer. As James Covey translated the Court's questions to him, he calmly and patiently retold his story of captivity and torture at the hands of the Spaniards. Then, overcome with emotion, he walked towards the Judge, raised his arms and asked, "Give us free! Give us free!"

Judson:

(Judson approaches the podium as Baldwin is chanting "Give us free")

The Court has decided to its satisfaction that the *Amistad* was seized by the *Washington* on the high seas. Therefore this Court of the District of Connecticut has jurisdiction in this case.

(Pause.) I am fully convinced that the Africans were recently from Africa.

I shall, therefore, put in the form of a decree of this Court, that these Africans be delivered to the President of the United States to be transported to Africa, there to be delivered to the Agent appointed to receive and conduct them home.

Bailiff

(Enter just inside SL door):

All rise (Judson retreats from the room through SL door.) You may be seated. (Bailiff exits SL door)

Ingersoll:

(x to R of C)

Mr. Baldwin, congratulations. An excellent job!

(Baldwin crosses to stage right and shakes Ingersoll's hand.)

Baldwin:

Thank you sir! Thank you. Who would have thought Andrew Judson would render a decision in favor of the Africans.

Harris/Crandall:

(Stand)

Andrew Judson had freed the Africans. But not surprisingly, the U.S. Attorney appealed Andrew Judson's decision to the Circuit Court of Appeals, and that Court upheld Judson's decision. The U.S. Attorney then appealed the case to the Supreme Court.

Ingersoll:

Now you are on your way to the Supreme Court in the District of Columbia, sir?

Baldwin:

Yes, sir. But it will not be I who makes the African's case to the Justices. We have a mighty fight there. As you know sir, Chief Justice Taney is no friend of Abolition.

Ingersoll:

Who will argue the African's case before the Court? This person needs to be a match for Mr. Van Buren's mischief.

Baldwin:

We needed a President to defeat a President. John Quincy Adams has agreed to present our case—the most eloquent and respected man in America today. I will work with Mr. Adams preparing the briefs.

(Ingersoll and Baldwin exit SR door as they speak)

Harris/Crandall:

(Cross to SC)

Mr. Baldwin's brilliant defense of the Africans was presented by the gifted speaker, John Quincy Adams, before the United States Supreme Court in February 1841. On March 9th, the Court issued its verdict. The *Amistad* Africans are free and may return to Africa.

However, four months earlier, Martin Van Buren had been defeated in the 1840 presidential election by William Henry Harrison. Harrison's government made no provisions for transporting the *Amistad* Africans back to their homelands.

There are many different stories about what happened to the Africans after the trial, about where they lived and how they eventually returned to Africa. What we know for certain is that in this very chamber, the *Amistad* trial began on September 17, 1839. These spruce yellow walls, this woodwork, these chairs and this great portrait of Washington were here when the *Amistad* Africans were first brought here from the Hartford jail.

The walls speak. We listen.

(Applause)