

**Worlds Meet: International Law and the Relationship between Law and Authority**

<b>Framing Question:</b>	<ul style="list-style-type: none"> <li>▪ Who decides between authorities?</li> <li>▪ What is the relationship between “authority” and “law”?</li> </ul>
<b>Materials:</b>	<ul style="list-style-type: none"> <li>▪ Role playing cards (attached)</li> <li>▪ Amistad Supporting Materials (attached)</li> </ul>
<b>Opening Activity (5 Minutes):</b>	<ul style="list-style-type: none"> <li>▪ Ask the students to define “international,” “authority,” and “law.”</li> <li>▪ Ask students how countries solve conflicts that may arise between them.</li> <li>▪ Introduce the idea of a treaty and give the students a modern example.</li> </ul>
<b>Class Activity (30 Minutes):</b>	<ul style="list-style-type: none"> <li>▪ Review both the Historical Abstract and the Case History of <i>Amistad</i> (attached as “Amistad Supporting Materials”) with the students.</li> <li>▪ Set up <i>Amistad</i>—the case first went to a district (trial) court, and then to the circuit court (appellate) because one of the parties didn’t like the ruling. The case was appealed again to the Supreme Court, whose ruling is final.</li> <li>▪ Mock trial activity: Hand out role playing cards to volunteers and have the students read the cards silently. Each card contains a role and the information needed to play that role. Roles include the Africans, Mr. Adams and Mr. Baldwin, representatives of the Africans, Mr. Ruiz and Mr. Montez, the Spanish Subjects, Mr. Gilpin, the Attorney General and representative for the Spanish Subjects, and members of the Supreme Court. For the Supreme Court, choose 3 students and ask one of them to be Justice Story and announce the Court’s decision after the trial.</li> <li>▪ Walk the students through a short mock trial. Ask the attorneys to present their client’s case to the Supreme Court. Mr. Adams and Mr. Baldwin should speak; then Mr. Gilpin may speak. Allow the Court to ask the Attorneys questions.</li> <li>▪ Ask the Supreme Court for a ruling.</li> <li>▪ Discuss the actual outcome with the students and compare their ruling with the Supreme Court’s Ruling.</li> </ul>
<b>Closing Activity (5 Minutes):</b>	<ul style="list-style-type: none"> <li>▪ Ask the students what the connection is: Who had authority to decide what happened and why (the United States because the Africans were in their geographical space)?</li> <li>▪ Which law governed (first they had to determine the treaty did not apply, then apply U.S. law)?</li> <li>▪ Why is international law important (if there was no treaty, then what)?</li> <li>▪ Ask the students if there is a present day international situation which demonstrates the relationship between “law”</li> </ul>

	and “authority” (example: terrorism. Once a suspect is caught, which country’s legal system gets to conduct the trial?)
<b>Enrichment Activity (For extended class periods):</b>	<ul style="list-style-type: none"><li>▪ Bring a large map of the world and draw the actual routes the ships traveled to demonstrate to students the distances involved and the value of the humans traded that actually survived the trips.</li></ul>

## **AMISTAD SUPPORTING MATERIALS**

### **Historical Abstract**

As imperialism grew, the human trade became more acceptable as a source of skills and labor in newly “settled” lands and industrializing nations. Many Africans were traded to the Western Hemisphere to work on plantations as free labor, thus boosting the economic viability of these newly “settled” lands and providing wealth to European plantation owners. In order to regulate the human trade, industrialized nations established trading laws to govern their own citizens and entered into trade treaties with other countries. Conflicts over the ownership of humans in the human trading system helped establish the framework of international law in which we operate today.

### **Case History—*Amistad*:**

Source: <http://www.archives.gov/education/lessons/amistad>

In February of 1839, Portuguese slave hunters abducted a large group of Africans from Sierra Leone and shipped them to Havana, Cuba, a center for the slave trade. This abduction violated all of the treaties then in existence. Fifty-three Africans were purchased by two Spanish planters and put aboard the Cuban schooner *Amistad* for shipment to a Caribbean plantation. On July 1, 1839, the Africans seized the ship, killed the captain and the cook, and ordered the planters to sail to Africa. On August 24, 1839, the *Amistad* was seized off Long Island, NY, by the U.S. brig *Washington*. The planters were freed and the Africans were imprisoned in New Haven, Connecticut, on charges of murder. Although the murder charges were dismissed, the Africans continued to be held in confinement as the focus of the case turned to salvage claims and property rights. President Van Buren was in favor of extraditing the Africans to Cuba. However, abolitionists in the North opposed extradition and raised money to defend the Africans.

Claims to the Africans by the planters, the government of Spain, and the captain of the brig led the case to trial in the Federal District Court in Connecticut. The court ruled that the case fell within Federal jurisdiction and that the claims to the Africans as property were not legitimate because they were illegally held as slaves. The case went to the Supreme Court in January 1841, and former President John Quincy Adams argued the defendants' case. Adams defended the right of the accused to fight to regain their freedom. The Supreme Court decided in favor of the Africans, and 35 of them were returned to their homeland. The others died at sea or in prison while awaiting trial.

**Spanish Subjects, Mr. Jose Ruiz and Mr. Pedro Montez**

Your representative, Mr. Gilpin, will argue the case on your behalf.

You believe that the Africans and cargo on the ship belong to you.

**Mr. Joseph Cinque and the Africans**

Your representatives, Mr. Adams and Mr. Baldwin, will argue the case on your behalf.

You believe you were wrongfully kidnapped and are still free.

You wish to be returned to Africa.

## **Former President John Quincy Adams and Mr. Baldwin, Attorneys for the Africans**

You deny that they are slaves or the property of Ruiz and Montez under the Constitution or laws of the United States or any treaty.

You claim that they were native Africans, born free and still free and that they were kidnapped around April 15, 1839.

You also claim that the Africans were forced onto the ship, which was an illegal slave ship and traded as slaves illegally.

You claim that Ruiz and Montez knew that the Africans were kidnapped and not really slaves, but bought them anyway.

After Ruiz and Montez purchased them, they forced the Africans onto the *Amistad* to take them as slaves. The Africans rose up, took the ship and intended to go home or to a free state.

But the U.S. brig *Washington* intercepted their ship and they were arrested.

Because the Africans were kidnapped, which is illegal, you claim the treaty does not apply and that the Africans should be returned home under the laws of the United States, which state that kidnapping for slave trade is illegal.

You may take turns presenting your case to the Court. Decide who will say what and in what order.

**Mr. Gilpin, Attorney General of the United States, on behalf of the Spanish Subjects**

You represent the Spanish Subjects at the request of the Spanish Minister, who claims that the vessel, cargo and Africans were property of the Spanish Subjects, even though the property was found in the United States.

Because of these circumstances, it is the duty of the United States to restore the property to the Spanish Subjects under the treaty of October 27, 1795 between the United States and Spain.

You believe the Spanish Minister's claim under the treaty is correct, and ask the Supreme Court to return the property to the Spanish Subjects. However, if the Africans were kidnapped and transported to the United States illegally, you ask the Supreme Court to return them to Africa.

Kidnapping for slave trade is illegal in the United States, and the laws of the United States should apply if the activity was illegal.

## **Supreme Court, Justice Story reporting for the Court**

Your ruling will be final and all must abide by it.

A treaty is a formal agreement between two or more states or countries, usually regarding terms of peace after conflict or trade, such as the case is here. Spain and the United States have a trade treaty that governs this case.

The ninth article of the treaty of October 27, 1795, which was continued in 1819 and ratified (made law) in 1821, reads: "that all ships and merchandise, of what nature so ever, which shall be rescued out of the hands of any pirates or robbers, on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of a restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof."

You must decide:

1. Are the Africans merchandise?
2. Have they been rescued out of the hands of pirates or robbers on the high seas? If so, who were the pirates or robbers?
3. Are Ruiz and Montez the true proprietors (owners) of the Africans?

You may ask the Attorneys, Mr. Adams, Mr. Baldwin and Mr. Gilpin, questions as they present their cases.

## **BACKGROUND INFORMATION - Worlds Meet: International Law and the Relationship between Law and Authority**

### ***Looking Forward and Back***

This lesson allows students to actively engage in the adjudicative process by portraying a mock trial based on *Amistad* case. During this historical period, the trading of human beings is central to expansion and imperialism, and the court in *Amistad* examined slavery as a resource for labor and skills, as well as the economic impact of the slavery system within the construct of international law. This lesson teaches students the basic moving parts of a trial while asking them to examine the conflicts surrounding labor, civil rights and imperialism.

### ***Modern Connections***

In different countries around the world, disputes are handled in different ways. Some countries have no court system at all; others have systems where the judges (rather than lawyers or advocates) ask all the questions and obtain evidence. To engage students ask them to examine current examples of the interplay between law and authority by examining military courts, terrorism, or other current headlines.