



## **Two Controversial Cases in New Haven History: The Amistad Affair (1839) and The Black Panther Trials (1970)**

Curriculum Unit 78.02.09  
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The purpose of this study is to make a descriptive comparison of two dramatic revolts for freedom in New Haven. The earlier of these is the so-called Amistad Affair of 1839, which occurred when the Abolitionist movement was in high gear. The other one, the Black Panther trials of 1970, coincided with the high tide of the Civil Rights movement. Each of these events seems to have resulted from a heightened awareness of injustice in America. This essay will look at the justification for both revolts and the American society's reactions to them.

If we must die—let it not be like hogs  
Hunted and penned in an inglorious spot  
While round us bark the mad and hungry dogs  
Making their mock at our accused lot  
—Claude McKay (1919)

By the end of the 1830's, the slavery issue was becoming ever more prominent in the national political arena. Proslavery and antislavery forces were constantly maneuvering for advantage in Congress and elsewhere. New Haven leaders had adopted a lukewarm attitude toward the injection of the issue into politics. Sympathetic to the plight of the Negro, they had condemned the extension of slavery permitted by the Missouri Compromise of 1820. Yet they had vigorously opposed the establishment of a Negro college at New Haven in 1831. Some had spoken out against the "fanatical Abolitionists" in 1833, 1835, and 1836. At a citizen's meeting held at the Statehouse on September 9, 1835, Noah Webster, Davis Daggett, Simeon Baldwin, James Babcock, and Minott Osborn helped to frame resolutions condemning any interference by Congress with the treatment of slaves within any of the states, proposing African colonization for "the free colored population," and viewing with alarm the efforts of the Abolitionists.

A few years later sentiment began to change. In January 1838, president George Day of Yale University and a group of New Haven citizens prepared a resolution to Congress condemning the existence of slavery and slave trading in the District of Columbia. John Quincy Adams presented this paper to the House, in his capacity as spokesman for a positive antislavery stand.

The next few years saw New Haven involved once again with slavery in the case of the *Anistad* captives. This affair began in the spring of 1839 on the west coast of Africa when a band of natives, acting as agents for Spanish slave traders, captured a considerable number of their countrymen and placed them in a barracoon at Dumbomo. Although the slave trade was prohibited by Spanish and American law the captives were transported to Cuba by a slaver flying the Portuguese flag. Since Cuba was Spanish territory, Africans who landed there in violation of the law were technically free. Such technicalities did not prevent two Cubans, Don Jose Ruiz and Don Pedro Montez, from purchasing fifty-two of the victims as slaves for \$450 each. Ruiz and Montez then proceeded to secure a license to move their property from Havana to another Cuban port, falsely describing the Africans as having been imported before 1820, to conform to the laws of slave trading. A small sixty-ton schooner, the *Amistad*, was chartered for the trip.

The *Amistad* left Havana on June 28, 1839. Ruiz and Montez were surprised at the submissiveness of the captives. It was therefore considered unnecessary to chain them. On the second night, the natives became curious about the vessel's destination. The crew began to harass the Africans by threatening to eat them. Led by a stalwart, intelligent African of commanding presence named Cinque, the slaves revolted, and killed only those of the crew who had abused and terrorized them. The blacks now tried to return to Africa by forcing their captors to set the course. They knew the direction of their home only when the sun was visible, so the Spaniards tricked them and steered back toward America during the night and when the weather was cloudy. After a month of zigzagging, the *Amistad* reached land—not Africa, but the northern shore of Long Island near Montauk Point. Having been found under suspicious circumstances, in the control of fifty-four Africans, the ship was seized by a government brig, the *Washington*, for questioning. It was discovered that Cinque and the other slaves were in command as a result of mutiny, and the captain of the *Washington*, Lieutenant Gedney, took the *Amistad* and its crew into custody. The *Amistad* was sailed into New London harbor, and a message was sent to New Haven to inform the United States Marshall, Norris Wilcox, of the incident.

When Captain Gedney visited the well-built schooner he was astonished. Some Africans were decked out in silks and finery, while others, emaciated to mere skeletons, lay nude upon the decks. Scattered over the deck were raisins, vermicelli, bread, rice, silk, and cotton goods—and even naked corpses.

Two days later a court of inquiry was held on board the *Washington*. Don Pedro Montez and Don Jose Ruiz made a complaint against Joseph Cinque, the leader of the revolt. On the basis of this complaint, an indictment was entered charging the Africans with murder and piracy. The judicial investigation had paid heed only to the Spanish story. What about the Africans? Language was surely a problem, but would their story be told? The helplessness of the Africans soon dawned upon thoughtful men. Lewis Tappan, an Antislavery leader in New York, made the first move. He organized a committee to raise funds to employ competent counsel and to provide the Africans with clothing and other resources. Roger Sherman Baldwin of New Haven was retained as chief defense counsel.

Baldwin sought the aid of Josiah Willard Gibbs, a versatile linguist and Professor of Theology and Sacred Literature at Yale, to find some means of getting the Africans' story. Upon obtaining sounds from the Africans, Gibbs then proceeded to look for someone familiar with their dialects. He found an eighteen-year-old boy, James Covey, from Sierra Leone. Baldwin was then able with Covey to elicit the facts necessary for

constructing a defense. On September 17, the prisoners appeared before the United States Circuit Court in Hartford. Judge Thompson ruled that no criminal proceeding could take place since the acts complained of were committed on the high seas aboard a Spanish vessel; but he refused to discharge the Africans, on grounds that they were held in the custody of the United States District Court because of the various civil charges instituted against them. Thompson concluded that laws recognized slavery, even though Connecticut as a state did not.

Since Judge Thompson had decided that the Africans were not liable to criminal proceedings under American law, they were granted a greater degree of freedom than given previously. The defense counsel now included John Quincy Adams. Although he did not come to New Haven for the initial trial, Adams contributed his wisdom to the preparation of the case. Judge Johnson ruled that the free-born Africans had been kidnapped into slavery in defiance of Spanish law, and that under that law they were free.

The case did not end there. The Secretary of State ordered appeals taken, first to the United States Circuit Court, which upheld the decision of the district court in April 1840, and finally to the United States Supreme Court. At the Supreme Court, Attorney General Gilpin argued that the Africans had been lawfully held as slaves. Roger Baldwin moved for dismissal of the appeal. The Supreme Court sustained the original decision of the District Court. On March 9, 1842, the captives were at last free. When Cinque received the news on March 11, he replied, "Me glad—me thank the American men."

Does history repeat itself? One hundred thirty-one years later, New Haveners again seemed to have a lukewarm attitude toward repression of minorities. During the terms of Mayor Richard C. Lee, many revitalization programs began in New Haven, aimed mainly at the black community. Again, there was a struggle for black freedom because of racism and the continued difficulty for blacks to break into highly skilled well-paying jobs.

The Black Panther Party tried to lead that struggle. An important founder of this party was Huey Percy Newton. Newton, the youngest of seven children and son of a Baptist minister, grew up in Oakland, California, with dreams of becoming a lawyer. While attending law school, Newton met Bobby Seale and his course as an activist was set. Outraged by the routine harassment of their neighbors by white policemen, Newton and Seale formed the Black Panther Party for Self-Defense in 1966. With registered guns and law books, Newton and Seale began to roam the Oakland ghetto in a Volkswagen, informing community residents of their civil rights.

Huey Newton suggested some of the reasons for the name "Black Panthers" when he wrote, "The panther is a very dignified animal. It is not in his nature to attack anyone. But when he is attacked or backed into a corner, he turns on his aggressor and destroys him thoroughly, wholly, absolutely, and completely." The purpose, methods, and ideology of the Black Panthers as explained by Newton include the following:

The Black Panther Party was formed to free all people from all forms of slavery in order that every man be his own master. The Panthers felt that the people should collectively decide exactly what they need and then should share fully in the wealth they produce.

The Panthers believed that the ultimate form of capitalism, in which a small group of men had another and larger group of men enslaved simply for profit, existed in America. They hoped to transform an oppressive capitalistic society into a socialistic society in which each man would participate in the decisions that affect his life, this making him free. They proposed steps that would lead to the creation of that socialistic society.

The Black Panther Party believed that in order for ethnic minorities to be free, administrators would be needed who were responsive to the needs and desires of the people. They were particularly interested in oppressed peoples' struggle for freedom.

The Panthers' educational program was designed to expose the forces that have shaped the past and present. On the sociological level, the Panthers agreed with Marx that outside forces control man's behavioral patterns, and that he would be oppressed until he could control them and could act in his own best interest.

Let us now examine the New Haven Black Panther trials. Ericka Huggins was the leader of the Black Panther Party in New Haven and Bobby Seale was the national chairman. In May 1969, George Sams, the Panther field marshal, was sent to New Haven to investigate whether Alex Rackley, a fellow Panther, was a police informant. Rackley was subjected to interrogation and torture by the Panthers, according to testimony in subsequent trial. He confessed to being a police informant, and was later found dead. Ironically, Bobby Seale had come to New Haven for other reasons, not to interrogate Alex Rackley. George Sams reportedly told Seale that Rackley was a police informant, although Seale later denied knowledge of this fact. Meanwhile, James Ahern, then New Haven Chief of Police, had the Panther headquarters under surveillance. George Sams ordered that Rackley be killed. Lonnie McLucas allegedly fired the first shot, and Warren Kimboro fired the second shot that killed Alex Rackley. George Sams, disguised as a minister, fled to Canada, where he was later apprehended. Warren Kimboro and eight other members were arrested and charged with murder. However, all the Panthers, except Ericka Huggins and Bobby Seale, were set free. Arnold Markle, State's Attorney for the County of New Haven, accused Bobby Seale of kidnapping, conspiracy to commit kidnapping, murder in the first degree, and conspiracy to commit murder. Markle also accused Ericka Huggins of kidnapping, conspiracy to commit kidnapping, murder in the first degree, conspiracy to commit murder, and binding with intent to commit crime. Yale Law School graduate Charles R. Garry was the defense lawyer for Bobby Seale and Catherine Roraback was the defense lawyer for Ericka Huggins.

Garry, a Marxist, was unique in his radicalism and the dialectic tactics he employed to oppose the judicial system. He had a simple but all-encompassing theory as to why there should be no prisons as we know them. He felt that most "crimes" are acts of survival based on a criminal system of property and class in which prison only seals the victim's fate. He also felt that some people were treated unfairly or even tortured by the moralism of a blind and archaic legal system. Catherine Roraback, the defense lawyer for Ericka Huggins, had been known as New Haven's community lawyer. She had been known to uphold the tradition of the law as an instrument for protecting individual rights, for facilitating social change, and generally for maintaining the ground rules of an open, democratic society.

The New Haven trial climaxed national awareness of the Panthers. Rackley's death had become a legal, political, and media issue. Although Kimboro and Sams were suspected of committing the actual crime, the significance of the case revolves around the efforts to discredit the prominent leadership of the party, mainly Seale.

The Panther case was not one in which a slave called out for basic Constitutional protection, as in the Amistad Affair, but rather one which called attention to the need for re-examination of the judicial system and its treatment of blacks—one which called for the rights of blacks as first-class citizens. Previously, the treatment of blacks in the judicial system had been one of expediency. Often, when blacks were brought to trial, there was no thorough examination of the case. Many times, maximum sentences were given for minor crimes.

The Panther trials, like the slaves' case, drew the support of the Yale University community, including their leaders of the time. George Day, president of Yale University at the time of the Amistad Affair, had been

instrumental in preparing a resolution to Congress to condemn the existence of slavery. One hundred fifty years later, Kingman Brewster, president of Yale University at the time of the Black Panther trials, echoed the prevailing sentiment of doubt that a black revolutionary group could get a fair trial anywhere in the United States. The defense in both cases were products of Yale University, Roger Sherman Baldwin and John Quincy Adams for the Amistad Affair and Charles R. Garry and Catherine Roraback for the Black Panthers.

The similarities of the two cases converge at one crucial point—the revolts took place as a result of a denial to blacks of equal rights and protection under the law. In the Cinque-Amistad case, the non-existence of those rights and in the Black Panther case the refusal to recognize first-class citizenship of blacks created a climate filled with unrest and the potential for violence.

Both cases had national ramifications for blacks. The Amistad Affair, which lasted approximately seven years, planted one of the seeds that led to the Civil War and ultimately clarified the status of blacks in the United States. Blacks were admitted to Congress, the judicial system was reconstructed, and three amendments were put into our Constitution. The Thirteenth Amendment ended slavery for all time. The Fourteenth Amendment made Negroes citizens of the United States and of their own states. Each person was guaranteed the full protection of the law. The Fifteenth Amendment told all states that all citizens could vote, even those who had once been slaves. There were government-funded schools. There were jobs.

After the Black Panther trials, which lasted for about two years, the government created affirmative action programs and other federally-funded programs for the inclusion of blacks. Positive steps were made towards better schools and better jobs.

In view of the Amistad and Black Panther cases, we may safely conclude that social injustice often breeds revolts. Therefore, we may certainly assume that it is probable that if some of the social injustices that exist today are not addressed, there could be another revolt that could ultimately lead to a full-scale revolution. Can we afford to let this happen?

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This unit on the Amistad Affair of 1839 and the Black Panther trials of 1970 has been prepared for middle-school students (grades 5-8) who have shown from previous experiences that they can read and follow directions. The reading level range is from grade 3 to 8. The unit could last from four to eight weeks. A suggested format for division of this unit follows:

#### I. Study of Slavery (1830's in United States)

- a. Slave revolts
- b. Africans and the slave trade 1830's

It is suggested that teachers use mimeographed sheets on *SLAVERY* , *AFRICA* and *THE SLAVE TRADE* , and *THE CIVIL WAR* and *RECONSTRUCTION* , from the workbook *The Black American Past and Present* .

#### II. Study of the Amistad Affair

#### III. Awareness of law in the United States, with an understanding of:

- Emancipation Proclamation
- Declaration of Independence
- Bill of Rights
- Civil Rights Acts
- IV. Uproar of 1960's (Civil Rights movement)
- V. Description of Black Panther Trials in New Haven, Conn.
- VI. A Humanistic Approach to the understanding of controversies

*Concepts and Goals:*

1. To gain factual historical background.
2. To be able to differentiate between fact and opinion.
3. To motivate students to openly discuss and research facts about the issues and relate them to their experiences and observations.
4. To be able to write a play depicting the trial of the Amistad slaves and the Black Panther trials.
5. To examine social change and social fracture.

Upon completion of this unit, the student will be familiar with the Amistad Affair and the Black Panther trials and the influence these two cases had on legislation which has modified the judicial system of the United States.

**Reading List for Students**

It has been my experience from teaching remedial classes that students become disinterested when given books to read. Therefore, I recommend mimeographed sheets, as mentioned before, for this unit.

## **Sample Lesson Plan**

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Objective: Student will read the story of Cinque and the Amistad Affair. (Vocabulary will be presented before story with expectation that other words will be added by the student).

Specific Objective: After completion of story, child will retell most memorable part of the story, noting the use of at least five (5) facts.

(Teacher will have checklist of facts from story. Many questions cannot be answered by reading plot alone).

## Bibliography for Teachers

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