



The Amistad Affair: Problem Solving Applied Through Theater

Curriculum Unit 90.02.08
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Introduction

This curriculum unit is designed to expand the skills of problem solving which were taught to all New Haven Public School students in the sixth grade in 1989-1990. I will teach this unit to seventh graders this year, 1990-1991, although it can be used with other ages. The vehicle for this process will be theater. The topic for this theatrical expression is an opportunity for interdisciplinary involvement. For my purposes of writing and teaching this curriculum, I have chosen to use the story of the Amistad Affair.

The Amistad Affair is the story of a man, Cinqué and fifty-two other Africans who spent three years trying to return to their native land. During this time the liberty of the kidnapped Africans was defended in the courts of the United States by a community of New Haven and New York people who believed in the concept of freedom for all, and in its application to American citizens and non-Americans equally. In this era of newly won freedom in eastern Europe, these ideals are awakened in all of us. The story of Cinqué has the power to be an historical example of legal justice in a community. It is a story of cooperation between white Americans and Africans in the early days of our city.

1989 was the 150th anniversary of the beginning of the story of Cinqué, which is being commemorated by the city of New Haven in several ways. In the sixth grades, students studied the Amistad Affair in Social Studies classes, wrote essays for a city-wide competition, and were involved in many projects of various designs in their schools.

The story of Cinqué may also be understood as a series of actions which were the result of deliberate decisions made under difficult circumstances by several individuals who had the courage to act. Any decision taken differently could have reduced the impact or changed the outcome of the story. For the application of problem solving skills, this pattern of individual choices contributing to a whole solution is excellent. Any other teacher seeking to adopt or adapt this curriculum idea will feel free to use another topic. History, literature, current events, science, all of these are rich with stories to which the process of problem solving may be applied.

Problem Solving

For better and for worse, teaching has passed through a metamorphosis. Sometimes conceived as the passage of culture from one generation to its successor, and always cited as the insurance a democracy keeps paid up for itself, education in the public schools and especially the city schools, has a clear mandate today to provide much deeper training than an historical sense of responsibility to defend freedom of thought. Or perhaps that is the one constant aspect which does not change. We teachers find ourselves with more complicated responsibilities in the classroom. Our subject matter seems inadequate to equip our students to succeed in the world outside our schools. We find ourselves inundated by a plethora of additional curricula to teach skills which though valuable and essential, leave us frustrated by the sense that our job prevents us from doing our work. We are further stressed by the cynical perception that many of the curricula which compete with our disciplines are passing fads in the eternal search for success in public city education.

Onto this tarpaulin of skepticism dribbles a temptation, a possibility. If there were a skill which a student could find valuable immediately, and which s/he could apply successfully to life as well as to school, which provided its own reward and which was consistent with our sense that the purpose of education is to teach thinking, one might still want to teach it, to teach it well. Such a program is the Life Skills Problem Solving Program.

In the school year 1989-1990 an ambitious program was begun in the New Haven Public Schools. Every student in the sixth and ninth grades has a course in Life Skills which includes problem solving, human sexuality, drug prevention, AIDS education as well as several other skills. Next year these programs will expand to include the seventh and tenth grades. The goal is to expand the Life Skills Programs to encompass kindergarten through grade twelve by 1993. The program with which I worked was the sixth grade Problem Solving curriculum. This unit is designed to supplement the city-wide Life Skills Programs.

As educators, we are accustomed to breaking material into consumable bits. The Problem Solving Curriculum does just that for the skill of solving problems. The skill is taught in six steps which can be covered in about thirty lessons. The logo for the program is a stop light, with the steps printed next to it. Step one, next to the red light is: Stop, calm down, and think before you act. Next to the yellow light are steps two through five: Say the problem and how you feel, Set a positive goal, Think of lots of solutions, and Think ahead to the consequences. Next to the green light is the final step: Go ahead and try the best plan. The lessons of the program include working on the concepts involved: What is a problem? What makes a goal positive? What kind of plan will work? One of the most useful tools for teaching this curriculum is role playing, creating small dramas to illustrate the various steps. The intent is for all students to grow comfortable with the process and to apply it to situations which occur outside of school. By applying these steps to the story of Cinqué we will demonstrate how problem solving works in a complex world.

The Story of the Amistad Affair

The story of the Amistad Affair is a confrontation on the national and international level of law, morality and treaties. I have referred to Howard Jones, *Mutiny On The Amistad*, for this condensed version of the story. It begins with the kidnap of Cinqué, a free African farmer. The story ends with Cinqué's return to Africa from America, where he, with the help of the New Haven community, was able to use the law to ensure his liberty. It is a very important case in the history of slavery and abolition. It is also a very important story in the history

of the relationship between those people whose ancestors were brought to this country as slaves and those whose ancestors came here seeking freedom.

Cinqué was a Mende from Sierra Leone. He was kidnapped by Africans and sold to white Portuguese slave traders for transport to the New World. Much later he implied that he may have been kidnapped for payment of a business debt he had incurred. He was held in a “factory”, a huge shed used to contain captives until they were loaded onto ships. In April 1839 the *TeCcoro*, owned by Pedro Blanco of Cuba, departed from Lomboko at the mouth of the Gallinas River. She carried approximately six hundred men, women and children, including Cinqué chained beneath her decks. One third of these would die during the Middle Passage. This part of the story of Cinqué is the story of the thousands of Africans who were brought to the New World to be slaves.

In Cuba, Cinqué and forty-eight other men and four children were sold to two Cuban slave holders, José Ruiz and Pedro Montés. Ruiz and Montés hired the *Amistad*, an American built schooner designed for use in the coastal slave trade. They were to sail to Puerto Principe, a settlement about three hundred miles from Havana on the coast of Cuba. On board the *Amistad* were fifty-three Africans, two slave owners, Captain Ferrer and his two slaves Antonio and Celestino and two sailors. The conditions were poor. The Africans were chained, and the food and water were inadequate. The trip was supposed to take a few days. After three nights at sea, Cinqué managed to release his chains and take control of the ship. Of the seven crew and slavers, three survived the mutiny. The captain and Celestino were killed by the Africans. The sailors apparently jumped overboard. Montés and Ruiz were wounded. It isn’t clear how many Africans died in the mutiny; of these, thirty-nine adult males and four children were alive when the *Amistad* was seized at Culloden Point two months later.

The Africans wanted to sail back to Africa. They knew that they must sail toward the rising sun. However they did not know how to navigate by the stars. Ruiz and Montés agreed to sail the ship at night, but they tricked the Africans, sailing north in a meandering path in hope of rescue by American or British ships. For two months the *Amistad* wandered northward until it finally came in sight of land. The Africans had to choose to seek provisions and risk capture, or to stay on board with no provisions, a damaged ship, and no idea how to get home.

The *Amistad* landed at Culloden Point, the northern peninsula of the eastern tip of Long Island. Cinqué and some others from the ship were able to purchase some supplies before they became enmeshed in the complicated tangle of national and international law and treaties. As the *Amistad* appeared to be so disabled as to be unsailable, and without appropriate legal status, a claim was made to salvage the ship and her contents. During the long legal struggle, the issue of whether the contents included the forty-three Africans was the central contention. The Africans were taken prisoner by the *USS Washington*, and the *Amistad*, the Africans and the two Cubans were to be taken to New London for investigation of the salvage rights.

The first hearing was held aboard the *USS Washington* and presided over by Federal District Judge Andrew Judson. He had to decide whether the Africans on the *Amistad* were guilty of piracy and murder, or whether the law of the United States which prohibited the transportation of slaves between states guaranteed their freedom. Ruiz and Montés were able to testify to their case and had documents to prove their ownership of the Africans and the ownership of the *Amistad*. On the other side were the forty-three Mende people who spoke neither English nor Spanish and were unable to present evidence to support their position. Judge Judson decided to hold the Africans in the New Haven jail until the next meeting of the Grand Jury of the U.S. Circuit Court in Hartford in September of 1839. There the court would rule on the property claims and whether the Africans should be tried for mutiny and murder.

It was a time of passion in the abolitionist movement. In New Haven an Amistad Committee was quickly formed to provide for the defense of the Africans. Members of the committee included lawyers and bankers from New York and New Haven. Roger Baldwin accepted the position of lawyer for the case. Josiah Gibbs, a professor of linguistics at Yale University found an interpreter for the Africans. He went to New York, armed with the numbers from one to ten in Mende, to find a sailor at New York Harbor who might recognize the language and agree to help the Amistad captives. He found James Covey, who himself had been kidnapped from Africa and freed by British ships at the age of nine.

The stage opened again in New Haven with the second court case in the Grand Jury meeting of the United States Circuit Court, Associate Justice Smith Thompson of the Supreme Court and Andrew Judson of the District Court presiding. The argument put before the court by the abolitionists was that this circuit court lacked jurisdiction. The grand jury, they argued, could not bring an indictment against the Africans for murder or piracy. A higher law exists, echoed in the Declaration of Independence, which guarantees human rights, even though the Constitution left the legality of slavery to the individual states. The judgment of the Circuit Court, four days after convening, was that this court did not have jurisdiction in this case. This court could not judge whether the right to own slaves existed. There were laws about slavery, and the legal decisions must be made accordingly. As the laws were mainly international treaties, the appropriate court was the district court, with a route of appeal to the circuit, and then to the U.S. Supreme Courts.

The third court case was the district court which convened in November 1839 to determine whether the Africans were legally slaves in Cuba. The defense pointed to an 1819 treaty between Spain and England which made the exportation of Africans from Africa illegal. No new slaves were to be brought to the New World. Since these Africans spoke only Mende, and since some of them were too young to have been taken from Africa before 1819, they must be free Africans, despite the documents from Cuba to the contrary. The court agreed that the Africans were not legal slaves and that they should be freed on the condition that they return to Africa.

The case was appealed by the Cubans to the Circuit Court which convened in April 1840 for the fourth court case. With the encouragement of the Spanish government, the decision was to be taken regarding the status of the Africans and also the salvage rights to the Amistad.

Since the Grand Jury of the Circuit Court case in September 1839, the president of the U.S., Martin van Buren, had become concerned about the Amistad case. He wanted to avoid an international confrontation with Spain; he did not want the issue of slavery to interfere with his reelection; and he did not want the U.S. to become a haven for escaping and mutinous slaves. He arranged for the transportation of the Africans back to Cuba aboard the USS Grampus. If they were slaves, he believed, they must be returned according to the treaty with Spain. If they were free men, they must stand trial in Cuba for the deaths aboard the Amistad. The abolitionists were also prepared with a ship. Should the Africans lose the case and be ordered to be returned to Cuba, the abolitionists planned to help them to freedom in Canada. In the District Court Judge Judson had ruled that the Africans could not be returned to Cuba because they had not entered the United States as slaves, either legally or illegally. They had entered the U.S. under their own power aboard the Amistad.

The last appeal, the fifth court case, to the Supreme Court, began in February 1841. The lawyer for the defense was former president John Quincy Adams. The final judgment of the Supreme Court was that these forty-three Africans were not slaves, not the property of Ruiz and Montés. However in so deciding, the court upheld the idea that there exists such an institution as slavery, and that the rights of the Africans were not protected by moral law.

Funds were raised by the Amistad committee to sail the Africans back to Africa on the Gentleman. Thirty-five survivors returned to Sierra Leone three years after they had been taken.

The Design of the Curriculum

The curriculum will focus on one step of the problem solving process and one scene of the Amistad story each week. Theater games and activities will be selected to augment each particular aspect of the story, and the development of the play.

It is important in teaching this unit that the steps of problem solving be used as the class process. The teacher is encouraged to think aloud as the various problems of the day occur, to model the problem solving process when there is a fire drill or scheduling problem, absence of a pivotal character, or debate within the class about the development of the play. A parallel process will be applied by the class to the voyage of Cinqué. The story is a series of problems with which Cinqué and others are confronted, and the choices they made. A key element in understanding the story is the consideration of consequences as each choice point arises.

The course will be designed to be completed in one marking period with the option of using a second marking period to perfect a performance. The first week will be used as an introduction to the course. Weeks 2-8 will be the study of the story and creation of a script. In these weeks each class will consist of a theater game or activity which will prepare the students to work on the days portion of the story. Suggestions for many scenes are included in the following text. For other scenes, refer to Spolin. The class will then discuss the scene or part of the scene with which they are working. The teacher will assign actors, and preliminary rehearsal will begin. The class will keep a record of the script and its revisions as it develops in class. The final week of the project will be used to pull together all of the preceding seven weeks into a single drama.

Week 1

In the first week students will be reminded of the problem solving process which they studied in the sixth grade. In this curriculum we are studying problems as points at which a decision could be made. The teacher may wish to supply, or to have students supply, examples from literature, movies, history or current events of people making a choice to act. The class can then apply the steps of problem solving to those situations. The second activity for this week will be to begin theater games and activities. Throughout the curriculum the activities will be designed or selected to enhance the particular aspect of the story of Cinqué. For the first week games should be designed to build cohesion in the group, a sense of belonging to the whole. As with all theater games, the purpose of the activity is to be elicited from the students after it is played, rather than explained by the teacher. For suggestions for games please see the Spolin books in the bibliography. The third piece to be braided into this week is the story of Cinqué. It may be read by the students, told by the teacher, or told by the students based on their memory and research.

Week 2

Beginning with the second week the story will be studied as a series of discrete choices which allowed the ensuing action. The story itself could be broken down in any number of ways for staging: geographical scenes; scenes determined by which person was confronted by choice, so that there is a different central character in each scene; or scenes determined by the change in dramatic directions so that there is a different problem in each scene.

For my purposes I have broken the story into eight scenes, each one coordinated with a specific step of the problem solving process. The first scene will be devoted to the capture of Cinqué from the High Road near his village. This is the beginning of the problem, in problem solving lingo. The class will explore this from several perspectives. One game to be played is What If: What if Cinqué had not left his village that day? The class will begin to understand that Cinqué made a choice without the possibility of knowing the possible consequences.

Scene One: The Problem. Cinqué is walking down the High Road and is taken captive by African slave dealers. He may suspect that the price of his sale will repay a previous debt. What is the problem for Cinqué? How does he feel? Students may identify the problem in several ways. If the problem is, for example, the unpaid debt, students will look at that problem through the steps. What was his positive goal? What solutions did he explore? Did he think ahead to the consequences? What was his plan? His goal may have been to repay his debt when he could by working extra hours in the fields. His plan was not successful: he was taken captive and now has a new problem. Students may identify the problem as his capture; his goal would be to stay alive; his plan, not to provoke his captors. Focus on this first lesson is to identify the problem.

Theater games which would be helpful at this point would cause the players to focus on feelings of an individual who is not in control of the group. Dog and Bone is such a game. A player is seated with eyes closed in the center of a circle. S/he must guess which other player is trying to steal the bone, but use only hand signals to indicate the culprit. The instructions direct student attention to the senses and also to an air of suspense in which “danger” may come from any side.

By the end of the week, students should have explored this segment of the story and developed a tentative script. As in each week, the script will grow as students discuss and role play the action. See the lesson plans of this unit for more ideas on script development.

Week 3

Scene Two: Feelings. Cinqué is taken from the factory in Lomboko, loaded on the slave ship in chains, and arrives alive in Cuba. The focus of this segment will be on the feelings Cinqué must have had. A few ideas for theater games are Alter Ego, Inanimate Objects, and Cross Casting.

One component of the problem solving process is a feelings dictionary, which is a list compiled by the class of all the names of feelings they can find. This would be a useful activity in this second scene. A theater game from *The New Games Book* such as Hagoo or Prue might stimulate student thinking about emotions as they describe their feelings of humility, powerlessness, or vulnerability.

In this scene I want students to understand that Cinqué must have had tremendous feelings but did not act. He did not act because he had chosen not to get killed, but to survive. Another activity is for students to wear a piece of paper hung by a string around their necks all day. Each time someone speaks to them in a negative way, they are to tear off a piece of their paper. At the end of the day they are to understand how reduced they are by these constant negative encounters.

In searching for an understanding of Cinqué of the TeCcoro, it would be interesting to have students acting as inanimate objects. The teacher can start by having students use their senses to “be” a non-threatening object such as a chair or a pencil. The second step might be to become a machine of many parts. One student begins by becoming a machine part connected to the whole by rhythm, proximity, or touch, until the entire class has become one functioning machine.

Finally the students can become the walls of the ship and the chains which held the captives. Once this is done the class will be ready to act the scene, to invent dialogue and action.

It may be that a good way to express this scene is to use an alter ego on stage with Cinqué. The “real” Cinqué is captured and somber, and the alter ego expresses the feelings of anger, frustration, and fright verbally as well as physically. Could the alter ego try to break through the “walls” of the ship?

For Cross Casting, students will take turns playing the captives and the captors. Perhaps all those students wearing striped shirts are the captors the first time, and then switch to become the captives.

Week 4

Scene Three: Set a positive goal.

In scene three, the action takes place in Cuba. Cinqué is sold to Ruiz along with forty-eight men. The four children are sold to Montés. This was the time when Cinqué began to accept or establish himself as leader. During the time of the selling, one woman while washing in the sea, simply walked into the sea and did not return. Cinqué felt strongly that he and they should survive and work to win their freedom. According to Barbara Chase’s novel, he told the other Africans that if they die, the slavers have won.

The other important action in the scene is the decision by Ruiz and Montés to move the fifty-three Africans to their plantations aboard the Amistad, a small ship, and to travel without armed guards. The fifty-three Africans, two slavers, two sailors, the Captain and his two slaves board the Amistad. The action I see to explore is that Cinqué sets the goal to survive and to be free, and the Cubans underestimate him. This is a very short scene and a difficult scene to script. The central actions are the decisions by the Cubans about the transportation of the Africans. It might be interesting for the class to role play a conversation between the two slavers about their requirements for this short journey, or a conversation with the captain. In retrospect it is difficult to understand their confidence about moving the Africans without guards. Perhaps playing the scene as a straight problem solving situation would be most effective. As students follow the formula they will come across errors in the thinking or knowledge of the slavers.

Week 5

Scene Four: The First Solution. Cinqué puts into action his goal of staying alive and being free by the mutiny on the Amistad. During this action, several problems arose.

The choices Cinqué had were a choice to take action, the choice to kill, and the choice to leave alive Montés, Ruiz and Antonio. The two sailors chose to dive off the ship to certain death. The characters of Antonio and the cook are very important here, because they are Black and we might expect some sympathy with the new Africans. In fact, the cook cruelly joked with the Africans that he planned to cook and eat them. This may have been the incident which was the catalyst for the mutiny. Antonio is equally interesting. Throughout the story we see a steady shift in his loyalty. At first he believes that his safety lies with the Cubans. At the end he realizes that even if the Africans win their court case, he is still a slave and must be returned to Cuba as one. He finally is helped to freedom in Canada along the underground railroad.

One approach to this scene would be to assign students to imagine the thought process of the various characters. After this assignment perhaps groups of students could act out various portions of the action, for example how did Cinqué open his chains? How did Antonio behave as he realized what was happening? Were the deaths in self-defense or plotted killings? Another interesting aspect of this scene is that the two groups

cannot communicate in words: the Africans speak Mende and the Cubans speak Spanish. Students may come up with several versions of what it might have been like before they settle on one that they would like to use. One of Spolin's Gibberish games might fit in here.

Week 6

Scene Five. The Plan. Cinqué's plan for the goal of returning home was to sail the Amistad back to Lomboko. He did not know how to sail by the stars and was unable to steer east in the night. He allowed the Cubans to convince him they would help by sailing at night. In problem solving parlance, this is an example of a solution with inadequate planning. The Cubans sailed north by north west at night. Cinqué had underestimated the Cubans.

Students might explore this scene by discussing Cinqué's planning. What went wrong? What led him to trust the Cubans? Is this anything like what led the Cubans to transport the Africans unguarded on the Amistad? How would you, the student, change Cinqué's plan?

The game Streets and Alleys, in Spolin's *Teachers' Handbook*, is intended as a warmup for a play in which there is a great deal of conflict among the characters. In essence, a game of Tag is played within a grid. The components of the grid turn ninety degrees according to the directions of a director whose goal is to limit the movement of it. Students experience the suspense of attempting to anticipate others' moves. At the end of the week, students will have role played this scene and established a tentative script.

Week 7

Scene Six. Consequences. Cinqué lands at Culloden Point. The Africans are taken by American authorities. When land was finally in sight, Cinqué had to decide again without knowing the consequences of his action. At least this time he knew there would be consequences. They had no food; the ship was crippled; they were not in Africa, and therefore must be lost. Going ashore might solve most of these problems, but it could result in their enslavement. This would be a good time for the class to play a game such as Red Handed. It sits in the center of the circle, eyes closed, while his/her classmates pass an object among them. When time is called, it must guess from visual clues which person holds the object.

In this scene there are two other very important decisions. They are turning points to the plot and need to be treated dramatically, not thrown away as lines at the end of the scene. Perhaps the actors can speak from the side while the rest of the stage is in blackout. Perhaps they could enter after the scene is done to state their pieces. These are: first, Cinqué's positive decision to take responsibility for the two killings aboard the Amistad. According to the literature he felt strongly that the responsibility as leader fell on his shoulders alone. This, of course, influenced how the prosecution dealt with him in the trials to come. The second decision was made by Federal district court Judge Andrew Judson. He was the first judge to hear the evidence, at least that of the Cubans, as the Africans were still muted by the language barrier. Judson decided to refer the case to the United States Circuit Court which would decide on the property claims (salvage or compensation for the rescue of the goods of the Amistad and the ship). The court would also decide whether the Africans would stand trial for the mutiny and murders aboard the Amistad. The court battles had begun. The onus had shifted from the shoulders of Cinqué. Judson, in removing the Africans to New Haven, and in continuing the case, had opened the arena to the abolitionists in New Haven. The decision to come ashore had resulted in the consequences of depending on others to continue the action, although the Africans could not yet know that they had support.

Week 8

Scene Seven. Imprisoned: Other's Choices. This is the scene which is going to be the most difficult to create because it is less dramatic than the preceding story. It also must be convincing in this scene that the power of the abolitionists and of the law is in fact stronger than the power of the slavers and the slave trade. Perhaps it should be played with the Africans on stage behind bars, watching the action. Certainly John Quincy Adams must be played as a fiery and thunderous character but most of the other action is done in a quiet and undramatic way.

Appropriate theater game for this scene would be the Human Knot. About ten players meet in the center. Each takes hands with two other persons who are not next to him/her. Without breaking hands the circle must untangle itself. The audience helps by directing knot members in their movements when they are unable to progress themselves. The success of the exercise depends on the knotted being willing to be peaceful and codependent. Another exercise might be to build a Human Machine, in which each dependent part is a separate action, as in week 3.

The decisions we have in this chapter are the decisions of individuals in New Haven and New York to become involved in ensuring the freedom of forty-three Africans they had never met. The Amistad Committee was formed. Lewis Tappan and Joshua Leavitt were lawyers from New York. From New Haven were Simeon Jocelyn, a minister, Amos Townsend, a banker, and Roger Baldwin, the lawyer who agreed to take the case, and Josiah Gibbs, a professor who took it upon himself to find someone who spoke Mende. James Covey was the man he found. After being kidnapped as a child and freed by the British, Covey became a crew member of a ship that spent its voyages seeking slave ships. Covey recognized the words that Gibbs spoke in the language of his childhood home, and agreed to help the captives. It seems important to illustrate the bravery of this decision. How many Mende speaking people heard Josiah Gibbs on the docks but were afraid to become involved, afraid that their freedom or their job would be jeopardized? Covey gave three years of his life to this work. This could be dramatized by having Covey step forward from a group, all of whom understand Mende, but the rest of whom turn their backs on Gibbs, muttering excuses to themselves.

Week 9

Scene Eight. The Law at Work: Legal Solutions. Scene eight is comprised of four scenes, four separate court appearances. The judges are Judson and Thompson and the seven Supreme Court members. The defense attorneys are Baldwin and Adams. The defendants and prosecution change roles depending on the state of appeal.

Perhaps the best staging would be to have the Africans stand down stage center, with the defense on one side and the prosecution on the other. The judges would be down right and left, with podiums and gavels. Brown-outs could be used to indicate a change of subscene. The argument from each side must be a clear statement in order not to lose the audience. The point most important in this scene is that the courts worked using the law to ensure the freedom of the Africans. Without access to the courts, the fate of the Africans could have been very different, but even more important, the historical impact of a legal precedent could have been greatly reduced.

Theater activities which may facilitate this scene include games which cause players to be interdependent parts of a whole, such as Machine. For variety the class might play Circus, or the teacher might have them begin as Circus and switch, suddenly, to Restaurant, or some other setting. Other suggestions are games such as Play Ball, a group game of catch with an invisible ball.

Part 1: Roger Baldwin for the defense.

Circuit Court, Judge Thompson presiding.

Issue: Baldwin says slavery is illegal because it is against the highest laws of morality even though these are only hinted at in the Declaration of Independence.

Judge's decision: Courts must make judgments according to existing law. Therefore this court must decide whether these captives are slaves by the laws which exist. These laws are international treaties; therefore, this is the wrong court. Case referred to District Court.

Part 2: Roger Baldwin for the defense.

District Court, Judge Judson presiding.

Issue: To whom do the Africans and the ship and its contents belong? Can people be salvage? If they were taken illegally and cannot legally be slaves, what then is their legal status? And if they are not slaves, neither are they citizens. The issue was further complicated by the pressure from the White House to avoid offending or alienating the Spanish, who were seeking the return of the Africans to Cuba by presidential act. In addition, it was nearing election time and Martin van Buren wanted to let this matter be completed without inciting slavery-abolitionist issues nor offending foreign powers by offering asylum to the Africans and establishing a precedent for escaping slaves.

Judge's decision: According to the congressional law of 1819, the captives would be placed under the protection of the president and returned to Africa. The law stated that it was illegal to bring persons of color into the U.S. for the purpose of service or slavery.

Part 3: Appeal by the prosecution (government).

Circuit Court, Judge Thompson with Judge Judson.

Issue: The judgment made by Judson stretched the law of 1819, since the Africans were not brought to the U.S., but came there themselves to escape from slavery. Furthermore, the decisions regarding the ship and its goods were not satisfactorily settled. This appeal was motivated largely by Martin van Buren, President, who wanted the case to be settled in a manner which would appease the southern states.

Judge's decision: The previous judgment by the District Court was approved as it stood. The case was immediately appealed to the Supreme Court.

Part 4: Supreme Court

John Quincy Adams for the defense.

Issues: *The demands of Spain* : the return of the property of Spanish citizens, including slaves; and the return to Spain of the killers of Spanish subjects. *The demands of Britain* : a treaty between Britain and Spain signed in 1817 prohibited African slave trade. The Africans could only be free persons. *Laws of U.S.* ∴ prohibited the transportation of slaves between states. A principle of the U.S. which was national supremacy, i.e. any law of the U.S. takes precedence over any law of any other nation or nations; *Claims by abolitionists* : the Africans had the same rights to freedom and justice as any person from any other nation who came to the U.S. It was their right to choose to stay in the U.S. or to return to Africa.

Decision of Court: First, since the Africans entered the U.S. not as slaves, they were not here in violation of

America's laws prohibiting slave trade. Second, the Africans were free, never having been slaves. Third, the fraudulent use of the Amistad as a transport for illegally held persons to be enslaved caused the legality of her papers to be nulled. Therefore the salvage claims of Gedney et alia were upheld. The court upheld the right of the Africans to a fair trial in this nation. Their piracy and mutiny were the result of their natural right to self defense.

The final week

At this point the class will have scripted the entire play. The work now depends on how the teacher chooses to continue. She may feel the lesson is complete within her class. In my case I will use the theater department at my school to begin serious script revision and rehearsal toward a production.

Lesson Plans

Week I, Day 1

Goal To introduce the process of applying problem solving steps to a story in order to produce a play.

Objective 1 Play a theater game.

Strategies Using the games Give and Take Warmup and Rhythmic Movement, described by Spolin in the Teacher's Handbook , students will experience theatrical action without props.

Objective 2 Review problem solving steps.

Strategies Have students volunteer the six steps of the Problem Solving course they studied in sixth grade.

Objective 3 Apply problem solving steps to a story.

Strategies Students or teacher will select stories to be acted. The teacher will assign students to teams of five. Teams will discuss stories according to problem solving steps. Teams will develop tentative scripts to be presented to the class. The class will watch each group's production and will observe which steps of the problem solving technique were in the story, and whether the protagonist used them. The teacher will provide a simple checklist for students to use for observation.

Teacher preparation

1. Obtain Viola Spolin's *Theater Games for the Classroom: A Teacher's Handbook* and become acquainted with the Give and Take Warmup and Rhythmic Movement.
2. Review Problem Solving. Obtain a stop light poster from a sixth grade problem solving teacher.
3. Decide how stories to be enacted will be chosen. Groups may use the same or different stories. Fairy tales, movies, or a story read aloud to the class are some options. Aesop's Fables may provide tales which are short and active.

4. Provide a checklist for the observers.

Week V, Day 2

(Day 1 will have included discussion of the action in this scene.)

Goal To explore how various characters may have felt at the time of the mutiny, and how that may have affected their actions.

Objective 1 Students will play a theater game to facilitate working in pairs and expressing feeling through movement.

Strategies Students will play Mirror Games from Spolin's Teacher's Handbook .

Objective 2 In pairs students will discuss how their individual characters felt in this scene, and whether their action reflects that.

Strategies There are ten central characters in this scene as well as 50 other Africans. How students are assigned will depend on the size of the class. Ideally, I envision twenty students, making two complete casts. Of course that will not happen. Alternatives are triple casting, or deleting or adding Africans. The characters are:

Ship's crew: Captain Ferrer

Sailor 1

Sailor 2

Slaves to Captain Ferrer: Celestino (cook)

Antonio

Cuban Slavers: José Ruiz (bought 49 slaves)

Pedro Montés (bought 4 slave children)

Africans: Cinqué

Grabeau

Burnah

additional cast 3 girls, 1 boy

46 men

Students are to work together to discover the feelings and actions of their characters, first as pairs, such as

two Cinqúés, two Antonios, and so on. After preliminary exploration they will switch partners and work in groups, with two sets of ship's crew, two sets of Africans, etc. Finally, complete casts will combine and work on the scene as a whole, keeping in mind the language barrier between the Africans and the rest of the characters. The class should end with a preliminary run-through by each cast.

Week IX, Day 5

Goal To perform the final scene of the Amistad Affair.

Objective 1 Students will warm up with Part of the Whole: Object theater games from Spolin.

Strategies Have the class form a large circle and Play Ball with an invisible ball. When all have become part of the game, the teacher will call out "freeze". S/he will instruct students that when they move again they will be a Circus. Without talking each student will take on the role of a component of a circus. Students may coordinate acts, but without speaking. After some minutes, the teacher may call out "freeze" and switch the scene, perhaps to a restaurant.

Objective 2 Students will rehearse and then perform Scene eight: The Law at Work.

Strategies The class will have developed scripts and staging during the week. Suggestions may be found in the text of this paper, Week 9, Scene 8. The dramatic effect of the scene will be increased if the judges have podiums, gavels, and robes. The cast (or casts) may have a preliminary rehearsal and then act the final scene. The play ends with the Africans' departure for Sierra Leone. In Week 3 the class may have acted the walls of the ship, TeCcoro. They may wish to act the walls of the homeward bound ship, the Gentleman, in a similar way, but with an affect opposite that of the previous slave ship.

BIBLIOGRAPHIES

For adults : On the Amistad Affair

Chase, Barbara. *Echo of Lions* . New York: Riboud, William Morrow and Co., Inc., 1989.

Chase has used a great deal of historically accurate material for her novel, but also a great deal of imagination. For example, she satisfies her own need to understand what brought Cinqúé to the High Road to be captured, and how he was able to release his chains. She also calls him Singhe Pei, which is undoubtedly closer to his real name than Cinqúé. However, she does ignore some hints about the truth which might have enhanced her work, such as the question of the debt owed by Cinqúé which may have led to his capture. These errors might be more forgivable if the work kept its pace. It doesn't. It drags a great deal in the middle during the trials. She invents characters and relationships which enhance the novel and attempt to give us a clear picture of how free African Americans lived in these times, but even these are romanticized beyond recognition. No one is poor. Still, it may be less intimidating than Howard Jones' book, and may help a teacher create an atmosphere for a theatrical production.

Jones, Howard. *Mutiny on the Amistad* . New York: Oxford University Press, 1987.

This is an excellent resource for anyone wishing to untangle the complicated threads of the story of the Amistad. Jones has researched meticulously the archives of the various nations and persons involved. He has included drawings of the central characters. His work is full of notes and references to the original source. In addition to this impressive research, the book is readable.

On Problem Solving :

Weissberg, Roger, Marlene Caplan, Loisa Bennetto, Alice Stroup Jackson. "Sixth Grade Problem-Solving Module, 1990-1991." For further information contact:

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This is the curriculum, updated, which was taught in the sixth grade in 1989-1990 and will be taught again in 1990-1991. The basic steps for problem solving will be taught in all grades in a similar format by 1993, we hope. Dr. Weissberg, along with James Comer, has a contract with the New Haven Public Schools in the Social Development Program.

On Theater Games :

Fluegelman, Andrew, Ed. *The New Games Book* . The New Games Foundation Staff, Doubleday, 1976.

This is an extremely difficult book to find, though it is currently available from the publisher. It is filled with cooperative games which encourage group cohesion and identification of feelings.

Hodgson, John and Ernest Richards. *Improvisation* . Grove Press, New York: 1987.

This is a good guide for the teacher as s/he embarks on this curriculum. There are many excellent suggestions and explanations which will help the development of a script from the class sessions. I recommend especially his chapter on "Building a Play from Improvisation" and the preliminary sessions from the chapter on "Beginning and Developing Improvisation".

Spolin, Viola. *Theater Games for the Classroom: A Teacher's Handbook* . Evanston, Illinois: Northwestern University, 1986.

Spolin has included hundreds of games in eighteen categories in this Handbook. As opposed to the *Director's Handbook* , the Teacher's Handbook focuses on the development of theater skills apart from a specific production.

Spolin, Viola. *Theater Games for Rehearsal: A Director's Handbook* . Evanston, IL: Northwestern University, 1985.

This is a very useful handbook about how to produce a play, including many games to guide the actors

through the production.

For students : On the Amistad Affair

Sterne, Emma Gelders. *The Slave Ship* . New York: Scholastic Paperbooks, 1953.

Written at the fifth grade level, this tells the story of the Affair from the perspective of a boy, supposedly the only boy aboard the Amistad. The story is abridged, the legal issues condensed. It would prove useful as long as the teacher remembers to give a clear understanding of the rest of the story.

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