

**Dear Friend Mr. Adams**  
**March 9<sup>th</sup>, 2008**

It was not a time of war *for* this country, nor was it an election year *in* this country, the year that the U.S. Coast Guard ship *Washington* intercepted a group of 43 African men, women and children trying to make their way back to West Africa, after having mutinied on the Spanish-Cuban slave ship *Amistad*.

It was not a time of war, nor was it an election year, as it is now, in 2008, when, in 1839, the U.S. *Washington* towed the *Amistad*, with its 43 African passengers as well as its two Spanish survivors of the mutiny, into the port of New London, Connecticut, where the Africans—men, women, and children alike—were detained while the Spaniards pressed charges and United States Attorney for Connecticut William S. Holabird, tried to determine whether any crime had been committed, and if so, what crime?

To determine the crime, if any, first to be determined was the story. How had these people ended up on the shores of Long Island, worlds away from their own home, and even from the baracoons, or slave “warehouses,” of Havana, where they had been sold as slaves? The story unfolded that the people were from Sierra Leone, Mendiland specifically, and had been sold to slave traders, who sailed them to Havana, where they were sold again. The *Amistad* had been transporting them from Havana to another coastal town in Cuba, when the prisoners escaped their chains and attacked their captors. While the captain of the ship and a cook were killed, and two other crewmen fled on a small boat, the Africans spared the lives of the two remaining Spanish men, in hopes they would help them navigate their way back to Africa. During the daylight hours, this is what the two men did indeed. But at night, slowly but surely, the Spaniards steered the schooner back west, until finally they landed on northern U.S. shores.

Now here they all were, on dry land, with American lawmakers struggling to conclude not only who had committed what crime, but whether the U.S. courts had any right to make such conclusions in the first place. U.S Attorney for Connecticut Holabird presented the case to District Judge Andrew Judson, who in turn passed it on to the Circuit Court, responsible for all federal criminal cases. In every phase, of concern were not only the issues of mutiny, murder, and kidnapping, but salvaging rights. After all, the men of the *Washington*, led by Lieutenant Thomas Gedney, claimed that, because they had found the ship and brought it back to port, they were, in legal terms, the finders-keepers of the gold, silk, wine and other goods that were on the ship and worth some \$40,000. Oh yes, and the slaves. The slaves had a good market value, too.

That market value was quickly exploited, as guards at the New Haven County jail, where the prisoners had been

moved, charged admission for curious viewers to catch a glimpse of the prisoners.

But the case of the *Amistads*, as the Mendi prisoners came to be known, drew not only local attention, but international attention, and tension, as well. The office of United States President Martin Van Buren received notice from Spain that the U.S. should return both the ship and the slaves to Cuba, with the claim that the U.S. courts had no authority over Spanish subjects. In response to this, University of Missouri law professor Douglas Linder writes, “The Van Buren administration was anxious to comply with the Spanish demands, but there was this matter of due process of law.” Therefore, despite the efforts of Van Buren’s executive branch to finagle its way past the checks and balances of the courts, a criminal trial proceeded. While U.S. Attorney Holabird argued that this was a matter for the president alone to decide upon, since it weighed heavily on

international relations, defense lawyer Roger Baldwin, hired by abolitionist Lewis Tappan, claimed that, “No power on earth has the right to reduce [the Africans] to slavery,” and that the United States should not play the part of “slave catcher for foreign slave traders.” Asserting his own judicial authority to balance the power of the executive branch, but avoiding the more controversial issue of abolitionism, Circuit Judge Smith Thompson ruled that because the event had occurred on international waters, and no Americans had been involved, the United States was not empowered to press criminal charges. The Africans were therefore free. Kind of.

Because there was another question still unresolved. Douglas Linder explores the question, in his article about the *Amistad* case, “Were the slaves ‘property?’ That was a matter, Judge Thompson ruled, that had to be decided first in the district court.” Linder adds, however, that “Thompson ruled that the Africans, although no longer considered prisoners,

should be detained until the district court could decide whether they were property and—if they were property—who owned them.”

Ultimately, the *Amistad* case went all the way to the United States Supreme Court. Although the district court had ruled that the Africans had lost their freedom—had become “property”—in violation of international slave trade laws, the Van Buren administration appealed the ruling. So it was, at the Supreme Court level that Senator, former United States president, and Unitarian John Quincy Adams, was asked by Abolitionist Lewis Tappan to argue in defense of the Africans, still living as detainees.

By that time, a year and a half had passed since they’d first come to American shores, and it was now 1841. Although Martin Van Buren would leave the White House three days after Adams concluded his arguments on March 1<sup>st</sup>, Adams did not hesitate at the *beginning* of his arguments to point to

the imbalance of power Van Buren's office had tried to exert in the *Amistad* case. Speaking to the justices of the Supreme Court, Adams remarked, "When I say I derive consolation from the consideration that I stand before a Court of Justice, I am obliged to take this ground, because, as I shall show, another Department of the Government of the United States has taken, with reference to this case, the ground of utter injustice, and these individuals for whom I appear, stand before this Court, awaiting their fate from its decision, under the array of the whole Executive power of this nation against them...."

Adams then went on to center the defense's argument on his differentiation between justice and sympathy. Referring back to sixth century law, Adams noted that, quote, "Justice, as defined in the Institutes of Justinian...*and* as it is felt and understood by all who understand human relations and human rights is... 'the constant and perpetual will to secure to everyone his own right.'" I'll say that again: According to

Adams and Justinian, nearly 1500 years before him, justice is “the constant and perpetual will to secure to everyone his own right.”

“The charge I make against the present Executive administration,” Adams continues, “is that in all their proceedings relating to these unfortunate men, instead of that Justice, which they are bound not less than this honorable Court itself to observe, they have substituted Sympathy!—sympathy with one of the parties in this conflict of justice, and antipathy to the other....”

Members and friends of Wildflower Church, here in 2008, 167 years *to the day* after the United States Supreme Court found the Mendi people of the *Amistad* case both innocent and free, there is something to be learned from this story. In this time of war, in this year in which we all, together, decide who shall be the next president of the United States, there is something *religious* to be learned from this story. Yes, I know I

may be pushing some people's political envelopes, but my greatest concern is not what party you vote for or in what measure you support, or abhor, the war. My greatest concern is that we, as individuals, and as a religious community, live into our religious values and principles.

No, we have no creed, so I can't tell you, or myself, the one right way to be a good Unitarian Universalist. But I can *remind* us all that our sixth principle, as impracticably optimistic as it may sound to some, calls us to affirm and promote "the goal of world community with peace, liberty, and justice for all." And I can remind myself, and you, that as out of our lifetime's reach as that principle may sometimes seem, the alternatives to aspiring toward that goal are grim. We who sit here this morning may not see or feel such alternatives, living our daily lives. But all it takes is stepping into another person's shoes. All it takes is peering into the shadow side of the golden rule—experiencing having done to myself, what I

have, in one way or another, done *unto* another. Six weeks before John Quincy Adams spoke before the Supreme Court, one of the men of the Amistad group wrote to him, in broken English, “Dear friend Mr. Adams, you have children, you have friends, you love them, you feel very sorry if Mendi people come and take all to Africa.”

Similarly—though seemingly light years of contexts away—in his book, *Guantanamo and the Abuse of Presidential Power*, Joseph Margulies quotes the United States Army Field Manual as saying that, “revelations of the use of torture by US personnel may... place US and allied forces in enemy hands at a greater risk of abuse by *their* captors.” Therefore the manual states, according to Margulies, that “‘everything the interrogator says and does must be within the limits’ of the Geneva Conventions, which expressly prohibit torture and coercive interrogations.”

All it takes is stepping into another person's shoes. If we want to defend the practice of procedures like simulated drowning on the Guantanamo detainees or on detainees in any of who knows how many undisclosed locations outside our own borders, then we must be prepared for the same to happen of our own soldiers by the hands of their captors. If our country practices sympathy only for our countrymen and women, and only antipathy for the men and women of the countries with whom this country is at war, then the same shall be mirrored back to us. And I can promise you that such mutually-perpetuating mirroring back and forth will not lead to world community with peace, liberty, and justice for all.

So what do we do? What do we do to move away from this world in which people have to ask in despair, whether they are fighting on the frontlines of war, or imprisoned in the cells of detention centers, "Is it true that one day we'll go back to our homes?/ I sail in my dreams, I am dreaming of

homes....” What do we do? Let us begin by asking, am I living from a place of sympathy toward some and antipathy toward others, or am I striving to create a world in which there is peace, liberty, and *justice* for all?” Just begin with asking. Just begin with being mindful of how you walk and work in the world. I know, in all honesty, that just about every single one of you is already doing that, in one way or another. Whether you are working within this religious community to sustain its health and support its growth, or you are working on the local, state, national, or international level to sustain the health of our world community, I know you all are aware of the suffering in the world and how we can be agents of change. My request to you today, is that you know it not only in your minds, but in your hearts, in your hands, and in your feet. It is in that way, that we shall all be on our way to the freedom land. In that spirit, and in the spirit of the Mendi men, women, and

children who found their way out from slavery and back to  
*their* freedom, I say Amen.