

“The [Amistad] Court Scene,” by Hale A. Woodruff. (Talladega College)



**The Critical Translation and Interpreting Stories in The *Amistad* Case.  
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y por llevarme a las bibliotecas.

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## Resumen

El propósito principal de investigación de esta tesis consiste en estudiar los aspectos de traducción y de interpretación en la causa judicial conocida como caso *Amistad* (1839-1840). Esta tesis explora la conexión entre los asuntos traductológicos e interpretativos que tuvieron lugar durante este proceso histórico en el continuo de acciones e ideologías pro-esclavistas y anti-esclavistas de la época en la ruta colonialista de España, a través de África y Cuba hasta llegar a los Estados Unidos de América (EE. UU.). Para el análisis de las fuentes se adoptó como filtro metodológico la teoría crítica de raza (en inglés *Critical Race Theory*, CRT) que apunta a los obstáculos jurídicos por causas raciales a los que se enfrentan las comunidades no blancas y no angloparlantes en los tribunales estatales y federales de los EE. UU. Dicha teoría propone como estrategia de litigio en los procesos judiciales emplear la narración de historias personales y comunales de las personas procesadas en las salas de los tribunales. En el curso de la presente investigación se han localizado, extraído y analizado las historias no contadas de los africanos mendi a través de intérpretes que actuaron dentro y fuera de los tribunales, y que lograron que la defensa ganara su causa. Además, este proyecto propone que los estudios de traducción e interpretación desarrollen un filtro metodológico que pueda migrar con facilidad a otras disciplinas con el propósito de ampliar las investigaciones historiográficas que aborden la interseccionalidad de estos asuntos con otros, como en la causa del caso *Amistad*. Las fuentes primarias que se han analizado son documentos procedentes de los archivos judiciales del caso *Amistad*, cartas entre los abolicionistas, periódicos de la época y otros panfletos impresos por el movimiento esclavista y anti esclavista.

Este acontecimiento histórico lleva el nombre de la goleta que transportaba a 54 esclavos de La Habana a Guanaja en Cuba. A días de haber zarpado en julio de 1839, los esclavos se rebelaron logrando el control de la nave. Dejaron vivos a un grumete y a dos españoles, a quienes los africanos ordenaron regresar a su país oriundo. Desobedeciendo las instrucciones, los españoles navegaron rumbo al norte con la esperanza de ser liberados de este infortunio. A finales de agosto del 1839, la marina de EE. UU. los interceptó y remolcó la goleta al estado de Connecticut. Contrariamente a lo esperado, en un país dividido entre norte y sur, y el racismo las autoridades no entregaron ni los africanos ni la goleta a los españoles. Durante la primera audiencia judicial, los abolicionistas cristianos sospecharon que los africanos habían sido secuestrados en contra de los tratados internacionales entre España e Inglaterra, y esperaban revitalizar el movimiento abolicionista. Por ende, estos asumieron la representación legal de los africanos.

Los africanos no hablaban ni inglés ni español, contrariamente a lo que alegaban los españoles, y para lograr conversar con sus clientes, los abolicionistas necesitaban un intérprete, remedio lingüístico que el sistema judicial del siglo XIX no ofrecía. Por este motivo, los abolicionistas iniciaron una campaña a través de su red social para encontrar a un intérprete de mende que facilitara la narración de los hechos en el juicio. A principios de octubre, profesores de la Universidad de Yale localizaron a James K. Covey, el intérprete principal de esta historia. El intérprete judicial se convirtió en la estrategia de litigio más importante empleada por los abolicionistas para probar su causa y liberar a los africanos.

No obstante, a medida que procedían las audiencias, gracias a los servicios de los intérpretes, los asuntos traductológicos cobraron mayor importancia, reflejando las posturas ideológicas del continuo de la época colonial y esclavista. Algunas cartas personales entre abolicionistas y editores españoles publicadas en los periódicos se tradujeron del inglés al español y del español al inglés, y aunque se desconocen sus traductores, estas reflejan las luchas ideológicas provocadas por este suceso. Las cartas diplomáticas entre España y los EE. UU. también han formado parte del corpus de traducción de la investigación. Estas, junto a la traducción de tratados internacionales y panfletos publicados por la Cámara de Representantes y el Congreso de los EE UU, muestran la colusión pro-esclavista de las ramas judicial, legislativa y ejecutiva del gobierno estadounidense con la corona española. No obstante, los documentos que más conmoción suscitaron fueron las licencias y sus traducciones.

Las licencias fueron los documentos que falsificaron los españoles para transportar a los africanos que habían llegado a Cuba desde África. El término disputado era el de “ladinos”, que se refería a esclavos que habían vivido tiempo suficiente en Cuba para conocer el español y asimilar las costumbres. La fiscalía y el gobierno estadounidense, los españoles José Ruiz y Pedro Montes, y la corona española trataron por todos los medios de sustentar que los africanos eran ladinos, habiendo llegado a Cuba antes de 1820. Por su parte, los abolicionistas aunaron sus esfuerzos para demostrar que los africanos eran “bozales”. Este era un término que recogía la represión corporal y la supresión lingüística experimentada por los esclavos en la travesía atlántica. Las voces en contra de la esclavitud mantuvieron el original del español en la traducción, mientras que las partes a favor de la esclavitud lo sustituyeron por “*sound negroes*”. El descontento no se dejó esperar. Tras varias publicaciones que denunciaban la manipulación traductológica y política, John Quincy Adams logró la creación de un comité en la cámara legislativa para investigar quién había sido responsable de dichas manipulaciones. A pesar de estos esfuerzos nunca se conocieron los nombres de los traductores ni editores de ninguna de las traducciones del caso.

Por contra, los intérpretes de esta historia no permanecieron en el anonimato. Esta investigación ha identificado a 11 intérpretes, con nombre y apellido, de cinco idiomas: español, lenguaje de señas, “gallinas”, mende y portugués. Los intérpretes de mende, gallinas y lenguaje de señas compartían un elemento: se ganaron la confianza de los africanos, lo que facilitó sus narraciones de los hechos y la colaboración con su defensa. A día de hoy, los archivos judiciales carecen de las actas judiciales. Fueron los periódicos los que detallaron las intervenciones de los intérpretes en el juicio y otros procedimientos judiciales, junto a los esfuerzos esclavistas para desacreditar sus testimonios y declaraciones como peritos. Gracias a la asistencia lingüística y la solidaridad de los abolicionistas, el lunes, 13 de enero de 1840, el juez Judson falló a favor de la libertad de los africanos de la *Amistad*. Se constata así el impacto crucial e importante de las historias de interpretación y de traducción en este caso. De esta manera, esta tesis contribuye al corpus historiográfico de la interpretación y la traducción, expande la historia del caso *Amistad* desde el lente de estos estudios, analiza cómo los asuntos de raza, esclavitud y colonialismo se interpusieron en esta historia, y muestra el papel político de un intérprete judicial.

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## Introduction

The basic aspects of the *Amistad* story are known; however, its intricacies are long-forgotten stories.

During the nineteenth century, the *Amistad* storyline lingered in people's recollections, the arts, historical accounts, and the legislation of the USA. By the turn of the century, the story had dwindled, until the 1930s when the Talladega murals recaptured the story of the slaves' uprising and the trial (See Cover). After this, *Amistad* historians such as Mary Cable (1971),<sup>1</sup> Helen Kromer (1997), Karen Zeinert (1997), Suzanne Jurmain (1998), Igunolu Folayan Osagie (2000), Benjamin Lawrance (2011, 2014), Marcus Rediker (2013, 2014), and Michael Zeuske (2007, 2015) delved into historical annals to bring to light this nineteenth-century story. These historians accomplished an important goal. In the context of the twentieth-century USA, it was important to resurrect this nineteenth-century story of a successful battle against the racist institution of slavery. Manisha Sinha, US abolitionist historian, notes of the impact of the *Amistad* rebellion that, "shipboard slave revolts in the age of abolition played out on a global political stage [...] the *Amistad* [1839] and the *Creole* 1841, respectively, helped revolutionize the abolition movement."<sup>2</sup>

However, it was Howard Jones' historical research that really brought the story back into the public eye. One of Steven Spielberg's film studio affiliates purchased the rights to his book *Mutiny on the Amistad* (1987), which became the foundation for the script and production of Spielberg's 1997 *Amistad* movie. With this movie, the storyline

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<sup>1</sup> Prior to Cable, Emma Gelders Sterne (1953) wrote a historical novel on the *Amistad* story.

<sup>2</sup> Manisha Sinha, *The Slave's Cause: A History of Abolition* (New Haven: Yale University Press, 2016), 406.

regained its place in common consciousness and impelled historians to engage in further research.

The *Amistad* movie elaborated artistically on the story. Enslaved Africans were taken via the Middle Passage to Cuba in June of 1839. Shortly thereafter, fifty-three of them were forced into a second vessel, *La Amistad*. Afraid of an impending death and taking advantage of deafening storm-related sounds, one of the men, named Cinque, led a revolt and took control of the vessel. Both Africans and Spaniards were killed. Captain Ferrer and Celestino, the cook, lost their lives. Wanting to return to Africa, the Africans were merciful, leaving José Ruiz and Pedro Montes, slave traders of the fifty-three slaves, alive with specific instructions to sail east. They did not. Instead they zigzagged along the US coast until they were discovered by the naval authorities on August 26<sup>th</sup>, 1839. The Spaniards were freed; the Africans incarcerated. The Cuban-Spaniards were native Spanish-speakers; the Africans were multilingual speakers of various African languages. Christian Abolitionists—Republicans at the time—sensed that the Africans were not *Ladinos* as the Spaniards claimed. To corroborate this became their mission.

They aligned all their resources to prove that the Africans arrived in Cuba as a result of violations of international treaties and of illicit transatlantic slave trading. Abolitionists were convinced that the Africans deserved to be freed. To uncover the truth, they needed to find a court interpreter,<sup>3</sup> one who spoke the language of these particular Africans and was capable of communicating their story. Without an interpreter to facilitate the telling of their testimony, death in the gallows awaited them in Cuba, where the Spaniards claimed falsely they had resided for two decades.

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<sup>3</sup> The terms “interpreting” or “interpretation” refer to oral renditions, “translation” or “translating” to document mediations from one written form to another. Parallel definitions apply to the professional terms of “interpreter” and “translator.” The first denotes one who mediates oral locutions, and the second one who converts written documentation from one language to another.

The US naval authorities who seized *la Goleta*<sup>4</sup> *Amistad* preferred to tow the vessel to New London, Connecticut rather than to New York City. By the time the Africans reached their next port, they were sick, desperate, angry, and afraid, conditions made all the worse by the linguistic and political obstacles they faced. As some historians have noted, “a [court] interpreter was just as badly needed as the doctor had been.”<sup>5</sup> Thanks to their remarkable stamina and determination, the abolitionists found British-Mendi<sup>6</sup> sailors James Covey and Charles Pratt to act as their court interpreters.

But what is a “court interpreter”? According to Roseann Dueñas González, Holly Mikkelson, and Victoria E. Vázquez, the profession has a variety of definitions. Legal interpreting refers to any interpreting performed within the legal setting, whether a courtroom or attorney-client interviews. This term is subdivided into quasi-judicial and judicial interpreting, commonly known as court interpreting.<sup>7</sup> Court interpreters were desperately needed for quasi-judicial interpreting and judicial interpreting; I prefer to identify them as “off-the-record” and “on-the-record” proceedings respectively. Without legislation regulating the requirements of court interpreters in the judiciary, and without companies offering these services, finding Mendi interpreters like Covey and Pratt was challenging.

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<sup>4</sup> Goleta translates to schooner.

<sup>5</sup> Helan Kromer, *Amistad: the Slave Uprising Aboard the Spanish Schooner* (Cleveland: The Pilgrim Press, 1997), 40.

<sup>6</sup> Both spellings are accepted “Mende”—a more modern spelling—and “Mendi”—the one commonly used in the enclosed data analyzed (Lawrance 2011, 36). The term “Mende” became known after finding Covey as interpreter. His expertise informed abolitionists and linguists that the Africans spoke Mende. The search was concentrated on finding an interlocutor able to speak the “Mandingo” language, presumably, from the same Mende area. Both spellings will be used interchangeably.

<sup>7</sup> Roseann Dueñas González, Victoria F. Vázquez, and Holly Mikkelson, *Fundamentals of Court Interpretation: Theory, Policy and Practice*. 2<sup>nd</sup> ed. (Durham: Carolina Academic Press, 2012), 95.

Abbreviated and long versions of the *Amistad* story identify Covey as the main court interpreter of the case.<sup>8</sup> Covey and Pratt recalled how interpreting services assisted lawyers in preparing the Africans' defense and helped the Africans to be agents in determining their own fate. The service of these interpreters gave Christian Abolitionists the possibility of winning the trials, freeing the Mendi Africans, and returning them to their motherland. Through the interpreters, the captives created a bridge by which to communicate in their forced environment and to convince Judge Thompson that they told the truth. After two years of court battles, the Africans won their case, returned to Africa, and with them the beginning of the Mendi-Christian Mission.

History remembers both of their interpreters—Pratt and Covey. Pratt returned to sail with the Brig *Buzzard*, leaving Covey to assume the primary task of interpreter for the Mendi-*Amistad* Africans. All *Amistad* historians point to how things were before and after finding Covey for the development of the case. Regarding the essential role Covey played, legal historian Lawrance recalls:

Let us imagine for a moment what might have occurred without a Mende translator [sic]. Without a translator [sic], the story of Cinque and the others would have remained unknown, and their attorneys would have been unable to advance the argument that they were originally from Africa.<sup>9</sup>

Historians recognize the crucial role of interpreters as vehicles for the Africans to tell their stories, yet Lawrance remarks that despite this most *Amistad* scholars dedicate just a few paragraphs to the life, contribution, and background of James Covey.<sup>10</sup> Of all the historians, it was only Lawrance who uncovered and told the life of Covey, from being kidnapped, to docking at the NYC port, instances further discussed in the Chapter on

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<sup>8</sup> Coinage of the phrase “The *Amistad* Case” occurred after appeal to the US Supreme Court of the USA on the January 1840 trial outcome in favor of Africans.

<sup>9</sup> Benjamin N. Lawrance, “La *Amistad*’s ‘Interpreter’ Reinterpreted: James ‘Kaweli’ Covey’s Distressed Atlantic Childhood and the Production of Knowledge about Nineteenth-Century Sierra Leone.” In Suzanne Schwarz and Paul Lovejoy, ed., *Slavery Abolition and the Transition to Colonialism in Sierra Leone* (Trenton: Africa World Press, 2014), 219.

<sup>10</sup> *Ibid.*, 217.

Interpreting Matters. As Mikkelson opines, many court officers and members of the public hoped to see interpreters fade into the background.<sup>11</sup> The interpreting and translation issues of the *Amistad* passengers also faded into the historical background. Perhaps, given the ephemeral orality of “our” rendering activities and the professional expectations of the “invisibility” ideal, history has a difficult time recording “us.” The *Amistad* proved no exception. Despite the popularity of the *Amistad* plot, considerable gaps in the translation and interpreting aspects have characterized most historical works about it. The interpreting and translation aspects of the *Amistad* story have been almost entirely forgotten.

This is true more broadly too. Legal stories of USA events with interpreters and translators, or lack thereof, are still missing from historical research accounts. This does not mean, however, that in the nineteenth century there was no court interpreting going on in the judicial process. Indeed, González *et al.*, note that:

From the earliest records in U.S. legal history, cases have been heard involving interpreters or the services they rendered (*Amory v. Fellowes, 1809; In re Norberg, 1808; Meyer v. Foster, 1862*). Moreover, legislation affecting the appointment and compensation of interpreters appeared as early as the middle of the nineteenth century (California Code of Civil Procedures §1884; New York Laws of 1869; Pennsylvania Act of March 27, 1865).<sup>12</sup>

Note that González *et al.*, here make no mention in their summary of The *Amistad* Case. Historiography has barely scratched the surface of the history of court interpreting. This current *Amistad* Case research offers a unique ITS opportunity to expand on interpreting and translation history in general, and more specifically, in legal interpreting and translation. Given the heightened background (of slavery) of the *Amistad* Case,

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<sup>11</sup> Holly Mikkelson, “Evolving views of the Court Interpreter’s Role: Between Scylla and Charybdis.” In Martin, A. and Valero Garcés, C., eds. *Crossing Borders in Community Interpreting: Definitions and dilemmas*. (Amsterdam: John Benjamins. 2008), 84.

<sup>12</sup> González, et.al., *Fundamentals of Court Interpretation*, 95.

interpreting and translation matters offer a particular historical blend. *Amistad* interpreting and translation services combine two distinct conflicts: an adversarial court system and the colonial and enslaving societies. Although for the most part literature review in this thesis is incorporated throughout the main chapters, I would like to highlight some historical elements that have framed the history of interpreting that are pertinent to my argument.

In her book, *On Ethics and Interpreters*, Malgorzata Tryuk observes that “the entire history of interpreting centers around wars, conquests, colonizations, conversions, and the introduction of foreign rules, governments or administrations.”<sup>13</sup> The *Amistad* was no exception. Without laws or mandates to secure interpreting for non-English speakers, courts became an ethnic and linguistic battlefield planted in the middle of the North vs South political polarities along pro- and anti-slavery lines. Both Africans and the legal team of abolitionists faced life and death predicaments (explained in the historical background chapter). In contexts of conflicts, slavery and colonialism—as in the *Amistad* Case—influenced the roles and tasks of interpreters and translators. As Tryuk elaborates, the interaction of power, domination, and hierarchy played a significant role in the performance of interpreting and translation tasks.<sup>14</sup>

Antonio-Leonel de la Cuesta in his article, “*Intérpretes y traductores en el descubrimiento y conquista del Nuevo Mundo*,” describes how Christopher Columbus was “less successful” than Hernán Cortés in his conquests of Latin America.<sup>15</sup> The difference between Cortés and Columbus was that Cortés colonized with the assistance of

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<sup>13</sup> Malgorzata Tryuk, *On Ethics and Interpreters*, (Frankfurt am Main: Peter Lang, 2015), 15.

<sup>14</sup> *Ibid.*, 19.

<sup>15</sup> Antonio-Leonel de la Cuesta, “Interpretes y traductores en el descubrimiento y conquista del nuevo mundo.” *HISTAL Livius, I* (1992).  
<https://buleria.unileon.es/bitstream/handle/10612/6323/Int%C3%A9rpretes%20y%20traductores%20en%20el%20descubrimiento.pdf?sequence=1>

interpreters who voiced his imperialistic strategies, while Columbus lacked the linguistic mediators to promote his. When Cortés landed in what today is known as México, his first interpreters spoke Mayan and Náhuatl, two of the languages of the Aztec Empire. However, eventually these interpreters became unfaithful to his intentions linguistically and politically, and escaped to fight against Cortés and the invaders, faithful to indigenous self-determination.<sup>16</sup> This is when Cortés found Doña Marina, a *cacique* de Veracruz, better known as *La Malinche*.<sup>17</sup> Along with Jerónimo de Aguilar—who had lived among the indigenous people for eight years—they engaged in relay interpreting that advanced the Spanish conquest that in time toppled the Aztec Empire. From the beginning, envoys of the Spanish Empire recognized the importance of interpreting and translation in their conquest and colonial exertions. Leonel de la Cuesta states that in the sixteenth century, after the end of the conquest and beginning of the colonial period, missionaries created bilingual institutes, such as those in Santa Cruz de Tlatelolco and San Juan de Letrán, that formalized the training of translators and interpreters, precisely for such reasons.<sup>18</sup>

In contrast, in the USA the system of slavery enforced a migratory pattern against the will of people from Africa, by which they formed “internal colonies.” The legal system echoed and reinforced this dominion over Native and African communities in many ways, including by not ensuring their linguistic rights and by not devising protocols to provide for their linguistic needs of interpreters and translators. The culture and politics in the nineteenth-century USA were dominated by a white minority of European descent that rejected the concept of bilingualism, an attitude that continues even now in the twenty-first century. No parallel schools or institutes existed to form linguistic mediators. *Amistad*

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<sup>16</sup> Ibid., 27.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., 29.

interpreters brought with them multilingual experiences that allowed them to serve as *ad hoc* court interpreters. Except for one of the *Amistad* interpreter candidates, John Shain—a white man—and sign language interpreters, the final *Amistad* interpreters chosen were African born. By the time they arrived in New York, liberated from slavery in one way or another, their ethnic<sup>19</sup> backgrounds bestowed them with a cultured tradition of African multilingualism and interpreting. The stories of the *Amistad* African interpreters merged with the ones of the African captives.

But this research venture did not begin with this doctoral thesis.

In earlier research completed for a Master in Research in Interpretation and Translation Studies (ITS),<sup>20</sup> I investigated the recruitment strategies set in motion by abolitionists and the requirements established for the interpreter in The *Amistad* Case.<sup>21</sup> An extensive summary of this investigation project is included in the chapter on Interpreting Matters as prelude to new research questions and findings.

But there was more.

The abolitionists' untiring search for a Mende interpreter was not void of racist by-products. I established in my previous research that words like "detained" and "subpoenaed" regarding Covey likely related to white recruiters' forceful actions toward him. Additionally, securing Covey precipitated both Spanish and English-speaking pro-slavery groups' use of racial epithets against him. The litigation strategies in court and in

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<sup>19</sup> The working definition of the term "ethnic" in this research includes linguistic, religious, geographical, and cultural commonalities that described the Mendi Africans.

<sup>20</sup> The title of the Master's thesis was "The search for a Mendi-court interpreter in The *Amistad* Case to challenge the institution of slavery." UJI, November 2015.

<sup>21</sup> Zaragoza-De León 2015.



preparation for the final January 1840 trial were divided along linguistic and ethnic lines and public political postures.

Initially I searched for interpreting issues beginning when the Africans landed in Connecticut until they returned to Africa. The extent of the research expanded quickly, from oral languages to sign languages, from three to eleven interpreters, from interpreter candidates to final recruited interpreters. Soon after that, suspected key translation issues surfaced, as in the case of transfer documents or *las Licencias* (licenses), produced by the *Amistad* Spaniards. Translation issues revealed politically-motivated manipulation strategies by the USA that conveniently colluded with the Spanish crown. Abolitionists<sup>22</sup> exercising their privilege rebelled against the resulting English translations. The *Amistad* research was taking a turn. From one side attempting to eliminate the institution of slavery by hiring an interpreter who could bridge the linguistic gap with their clients, to documents and interpreters in favor of the enslaving institution, the research uncovered an ideological continuum that was not only extensive but also not solely oppositional. It was becoming *una historia de encuentros fortuitos y desencuentros nefastos*.<sup>23</sup>

This dissertation pursues this anti-slavery and pro-slavery continuum at the cross-section of interpreting and translation concerns, specifically the question of how interpreting and translation issues in The *Amistad* Case (1839) at times joined forces to eradicate slavery and at others aided and abetted that evil institution. Beginning at one end of the continuum, inspired by their theological beliefs abolitionists closed ranks to find an interpreter who would work to free the African captives. At the same time, abolitionists used the evolving *Amistad* events to strengthen a feeble anti-slavery movement in the

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<sup>22</sup> The abolitionist movement in Spain and Cuba was virtually non-existent, in contrast to a movement successfully-led by criollos—like Bolívar—, “cimarrones,” and indigenous peoples in Latin America.

<sup>23</sup> English version: A story of blessed encounters and in-human accomplices.

USA. At the opposite side of the continuum, fraudulent issuance of Spanish *Licencias* in Cuba explicitly supported the colonial-enslaving systems, including the banned Transatlantic Slave Trade. In this ideological corner, the USA government played a role. A Spanish to English translation of these documents publicly legitimized the institution of slavery in a country divided north to south on this issue. This manipulated translation in effect waved a white handkerchief to diplomatic relations between Spain and the USA.

Veering off from the opposite ends to the middle of the continuum, the ideological lines begin to braid. Actions by abolitionists reflected Christian-colonial doctrines. Anti-slavery practices demonstrated inherent contradictions. Christian and English instruction, a task delegated to the court interpreter, began with the capturing of the Africans. Nineteenth-century USA federal and state courts lacked proper protocol to ensure Limited English Proficient (LEP) defendants both linguistic access to the courts and due process. In the meantime, established laws mandated that Cuban-Spanish colonial courts provide interpreters to non-Spanish speakers processed by their judicial system. Back in New York, authorization by abolitionists limited Covey's freedom to return to Africa. Racist terms like "savages," "*el negro intérprete*,"<sup>24</sup> and "ignorant" referenced Africans in pro- and anti-slavery newspapers. Lack of adequate interpreting services for Antonio, an *Amistad* survivor and witness, betrayed pro-slavery ideology. Antonio needed a Spanish interpreter to testify in the *Amistad* trials; instead, the courts provided a Portuguese ad hoc interpreter.

As the central chapters in this dissertation will show, throughout this story interpreting-related issues largely gravitated towards eliminating the institution of slavery,

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<sup>24</sup> Translation: The black interpreter. However, the tone behind the word "negro" embodies the derogatory term known as the "N" word. More on the context on this phrase will be discussed in subsequent chapters on interpreting and translation issues. For an in-depth study on the "N" (English) Word, refer to *The N-Word: the strange career of the troublesome word*, by Randolm Kennedy.

while translation tended toward supporting colonial slavery. Thus, interpreting and translation issues in the *Amistad* story stood in the crossfire of the pro-slavery and anti-slavery struggle.

This story needs to be told.

The first step to unveil this continuum involved “quilting” or sewing together historical “blocks” found in archival sources to create an unfolding story. Blocks came in a variety of linguistic forms: in Mende, Kissi, Spanish, Portuguese, and English; as judicial textures, attorney-client conferences, trial hearings, interpreted examinations, motions, experts’ witness, documentary evidence, judges’ rulings, and Supreme Court appeals; as partial sources, handwritten letters, newspaper articles, federal case records, pamphlets, congressional documents, wax figures, paintings and murals; and in a variety of political and theological shapes, as discussed previously. Framed within slavery and colonial institutions, the seams in the *Amistad*-historical “patchwork” exposed court procedures and ethical interpreting matters that resemble similar instances today, while others remain unique and unprecedented. An ad hoc interpreter’s refusal to take the oath, the interrogation of an African witness on the notion of the Supreme Being as an integral part of taking their oath, and the efforts to find interpreters who exemplified subjective stances against slavery, constitute a few stark examples of such questionable practices. *Amistad*-quilt blocks responded to interpretational and translational matters that shaped this transnational story.

### **On Research Method**

The final *Amistad* quilt was stitched, from primary and secondary sources, from October 1839 to December 1841. The term “primary source” refers to first-hand accounts from witnesses who had direct contact with what happened in court. Removed one layer

are those considered secondary sources. These often incorporate analysis into their narratives. Primary sources of court interpreting from the nineteenth century are scarce. Sources that capture the ephemeral orality of interpreting encounters are even more rare. As Jesús Baigorri Jalón remarks: “*Como suele ser habitual en los estudios sobre la historia de la interpretación, con un escollo difícil de superar: la desaparición del objeto de observación.*”<sup>25</sup> Baigorri refers to the conversations among the interlocutors at the interpreting activity, conversations that often simply evaporated, or were not otherwise recorded. In addition to conversations, the direct voices, opinions, and reflections of the interpreters, and those of the recipients of their services are often missing from the archives, as is the case here. Affidavits sworn by Covey, Pratt, and other Africans are part of the file records and other archives. However, these were transcribed by a court officer and signed simply with a “cross” by the deponent; in short, the Africans had no way of reading the transcription for accuracy. Acknowledging this documentary gap in interpreting historiography in the *Amistad* Case, I am treating sources typically identified as primary sources instead as secondary ones. Translation matters in the *Amistad* tell a similar story.

Translators of Spanish licencias, and other primary sources, remained anonymous. Neither were translators of letters published in newspapers and of government documents identified. And yet, primary and secondary sources about the *Amistad* case afford a particular historical opportunity and contribution, for there remains a bountiful quantity of sources from which to configure a multifaceted patchwork of the interpreting and translation issues in the *Amistad* case.

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<sup>25</sup> Jesús Baigorri Jalón, “La lengua como arma: intérprete en la guerra civil española o la enmarañada madeja de la geografía y la historia,” 2012, 90. La mediación lingüístico-cultural en tiempos de guerra: cruce de miradas desde España y América. Gertrudis Payás José Manuel Zavala. Coordinadora Ediciones UC Temuco, Chile: Temuco. (Translation: A difficult obstacle to surpass, as it tends to occur in interpreting historiographical studies: the disappearance of the observation object.

Official folders or boxes of the *Amistad* records in the National Archives in Boston, and secondary sources, lack actual transcripts of the trials.<sup>26</sup> Nonetheless, historiographical reconstruction of what transpired during the hearings and trials is possible thanks to the abolitionists and other supporters. As an organizing tool, they were committed to broadcasting word of the trial to followers. To that end, they mailed detailed letters and published numerous narrations in newspapers and pamphlets. It is from these, 180 years later, that this story can be patched together. Newspaper culture during the nineteenth century assisted this endeavor. News traveled efficiently with the available means, such as steam boats, trains, horse-powered transportation, and typesetting. Those articles, from all side of the colonial-slavery spectrum, read more like editorials than “objective” or “feeling-less” news. From reporting on missing hens to offering professional services, from announcing the *aurora borealis* or the next voyage of a transatlantic cruise vessel to reporting on issues of slavery, newspapers served a similar role then as social media does now. *Amistad* sources benefitted from this intent. Thanks to articles authored in newspapers by journalists named Leavitt, Day, Ray, Tappan, and dozens of anonymous Spanish and English writers, the story of the *Amistad* lived on. Otherwise details of this event might have faded into oblivion like an undocumented dialogue or interpreted conversation.

The present research draws mainly on three newspaper sources, two in English, one in Spanish, consulted in their original newsprint: *The Emancipator*, *The Daily Herald*, and *Noticioso de Ambos Mundos*<sup>27</sup> (See Figs. 10 and 11). Spanish, Dutch, German, Italian, French, and English were just some of the languages in which nineteenth-century New York City (NYC) newspapers were published. Two of the sources consulted for this

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<sup>26</sup> Email communication with Tracy S. Skabut from the National Archives in Boston confirmed that trials transcripts did not exist in their holdings. Feb 12, 2018. [Tracy.skabut@nara.gttyyov](mailto:Tracy.skabut@nara.gttyyov).

<sup>27</sup> In 1839, there were four Spanish-language newspapers in NYC.

project were newspapers published in NYC. Newspaper articles by Lewis Tappan, abolitionist and lawyer, were published in the NYC *Emancipator*, subtitled with a biblical verse, “Proclaim liberty throughout all the land, unto all the inhabitants thereof. Lev 25: 10” comprised the bulk of the trial and case material. A short preface to his report on a lengthy hearing in September 1839 described Tappan’s historical contribution: “Mr. Lewis Tappan, who attended the court, in Hartford, on behalf of the Committee of citizens in New York, has, with the aid of a reporter, furnished the Committee with the following authentic and interesting sketch of the proceedings” (See Fig. 2).

**The Trial of the African Captives.**  
Mr. Lewis Tappan, who attended the court, at Hartford, on behalf of the Committee of citizens in New York, has, with the aid of a reporter, furnished the Committee with the following authentic and interesting sketch of the proceedings.  
HARTFORD, Sept. 17, '39, 6 o'clock, P. M.  
*To the Committee in behalf of the Captured Africans.*

Fig. 2<sup>28</sup>

New Haven became the epicenter of this story. A city that jailed the African captives and housed the African interpreters held two court proceedings. New Haven churches and theological communities at Yale College rallied in support of the *Amistad* cause. Anti-slavery manifestations generated local media coverage in *The Daily Herald* that reported on important issues favoring the *Amistad* Africans. Other publications and pamphlets by abolitionists, such as “Doc. 85” or “The Amistad Trial”<sup>29</sup> documented crucial facts while also publicly endorsing a justice-led ending to the *Amistad* story. Lastly, a second newspaper printed in NYC in Spanish disseminated the positions and

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<sup>28</sup> “In the Trial of the African Captives,” *The Emancipator*, September 26<sup>th</sup>, 1839.

<sup>29</sup> Anti-slavery organizations published an account of the September 1839 proceedings. The introduction advised of subsequent publications that never made it into print.

perspectives of the *Amistad* Spaniards. The *Noticioso de Ambos Mundos: dedicado á las Artes, Comercio, Agricultura, Política y Bellas Letras* portrayed the pro-colonial and pro-slavery positions of the *Amistad* Spaniards. Printing of the above publications came from writers of European descent. New York City was also home to a fourth newspaper, one that represented the African American community. Unfortunately, due seemingly to financial reasons, *The Colored American* took a printing hiatus from early December 1839 to March 1840, and this affected coverage of the *Amistad* Trial of January 1840.

The length and style of these newspaper articles varied. Some reports were mere single paragraphs, some republished articles from other papers, and others summarized proceedings at length. Of the three newspapers, *The Emancipator* and *Noticioso de Ambos Mundos* engaged in a printed diatribe from September 1839 to January 1840, discussed in more details in the chapter on Translation Issues.

### **On Research Methodology**

The *Amistad* story intersects with Interpreting and Translation Studies. The latter field offers a variety of methodologies or filters by which to read this unfolding story. In the interests of analyzing and patching together this historical quilt, I considered applying intersectional, (post)colonial, micro-historical, and sociological methodologies to this research. Intersectionality could identify the interplay of the multiple identities of the protagonists in the *Amistad* story and how these prompted them to take particular actions in favor and against the captive Africans. The use of a (post)colonial perspective would highlight the oppressive institution of slavery in the Spanish and USA colonial systems. Micro-history offers a perspective from below, from those whose voices tend to be excluded from mainstream historical narratives, thus reinforcing existing positions of power. A sociological perspective would focus on how the decisions made by *Amistad*

court interpreters and translators reflected the opportunities and pressures of their “work” environment. As it will become evident, in one way or the other, all of the above intersect in the analysis of the research source data. And yet, none alone can encompass the totality of the issues presented by this nineteenth-century multilayered story. I finally opted to apply to this research task primarily the concept of Legal Storytelling derived from Critical Race Theory (CRT). For this is a story about a court interpreting historiography as part of a larger legal-transnational historic mosaic. The advantage of CRT is that it looks critically at the USA judicial system from a racial and political point of view and how it has consistently underserved communities of African American, Native American, and Latin American descent: “Critical Race Theory not only dares to treat race as central to the law and policy of the United States, it dares to look beyond the popular belief that getting rid of racism means simply getting rid of ignorance, or encouraging everyone to ‘get along’.”<sup>30</sup> Racism enslaves others. It entails a linguistic and socio-political platform from where the dominant in society subjugate others for cultural control and financial gain. In order to return to Africa, the *Amistad* captives, with the help of the Christian Abolitionists, needed to defeat the systemic racism of the judicial system embodied in the laws and their main actors. But before explaining further my reasons for choosing CRT as a primary research filter, I would like to review some key research methodologies offered by ITS.

Translation and Interpreting Studies offer research models for historical projects, such as the ones developed by Gabriela Saldanha and Sharon O’Brien, Anthony Pym, and Douglas Robinson. Saldanha and O’Brien situate ITS historical research within the category of a “case study.” Their framework asserts that most ITS research activities fall

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<sup>30</sup> Richard Delgado and Jean Stefancic, *Critical Race Theory: an introduction* (New York: New York University, 2012), xviii.



under the category of case study given that it is “used as a label to describe any study focusing on a single unit of investigation.”<sup>31</sup> They define case studies as those rooted in specific social contexts in the here and now. If applied to an “Amistad case study,” one may argue an adaptation to events in the past in the “there and then.”

In their discussion, scholars observe that case studies (social studies) and historical research have in common that each have “no control over the events it focuses on and also requires the examination of [a] wide range of sources.”<sup>32</sup> When the historian weaves together the instances and moments unearthed from a past recalled, without survivors, without interviewees or first-hand account witnesses, dependent only on documents and artefacts, then the academic investigation falls into the category “historical research.”<sup>33</sup>

Anthony Pym, on the other hand, categorizes Translation Studies (TS) under the descriptive range.<sup>34</sup> Pym also establishes four methodological principles in IT research that characterize historical studies: causation, the interpreter, the larger context, and the connection between the researcher and the experiences. The first principle, for instance, that of interpreting<sup>35</sup> history, relates to “social causation,” or “why” interpretation issues were a product of the social and historical times. The “who” and the “how” are questions that could be added in considering the *Amistad* story. In other words, “who” engaged in the search, “who” was found, and “how” was the search conducted together represent plausible causation inquiries. In the case of the *Amistad*, there was a political motivation, *una causa*, and a strong religious drive that led to a successful “search.” The information unveiled as a result of having an interpreter (the “who”) triggered the freedom of the

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<sup>31</sup> Gabriela Saldanha and Sharon O’Brien, *Research Methodologies in Translation Studies* (London: Routledge, 2014), 206.

<sup>32</sup> *Ibid.*, 207.

<sup>33</sup> *Ibid.*

<sup>34</sup> Anthon Pym, *Methods in Translation History* (London: St. Jerome Publishing, 1998), 2.

<sup>35</sup> I have substituted his original term “translation history” for “interpreting history.”

African captives and the support from the anti-slavery movement towards the abolition of slavery. A “cause” that takes us to Pym’s next principle places the emphasis on the linguistic mediator—the interpreter in this case—instead of textual analysis, since “only through [interpreters] and their social entourage (clients, patrons, readers) can we try to understand why [interpretations] were produced in a particular historical time and place....Yet, the ultimate focus of attention must remain human rather than textual.”<sup>36</sup> Whereas vouching and demonstrating “how” the *Amistad* Case served as a catalyst in various fronts and struggles does not constitute a novel hypothesis in this research venture, the “critical” contribution of this research is to place the search for the interpreters and translators, their roles, their experiences, and their impact in the judicial process at the center of this legal *Amistad* story.

Douglas Robinson coined the term “Critical Translation Studies” (CTR) in an attempt to merge the concept of “critical theory” and “translation theory.” For Robinson, theoretical translation models are inherently critical as they study situations of power in their textual or oral discourses.<sup>37</sup> According to him, CTR grows out of the concept of “Critical Discourse Analysis” or “Critical Legal Studies”<sup>38</sup> as employed by the Chinese and Japanese women-TS scholars on whom he presents a case study in his book. It is interesting to note that his analysis seems void of any racial and ethnic observations about the Asian scholars he studies. This is particularly surprising considering that, decades ago, Critical Legal Studies married radical feminism to engender a “Critical Race Theory.” Perhaps Robinson did not see racial issues enmeshed in his research. In contrast, in the *Amistad* story, it is impossible to extricate racial and ethnic matters from the facts of the story, for they lie at its very heart. Regarding methodological choices, Christopher Rundle

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<sup>36</sup> Ibid., ix.

<sup>37</sup> Douglas Robinson, *Critical Translation Studies*, (London: Routledge, 2017), ix.

<sup>38</sup> Ibid.

advises IT historiographers who want to contribute to the historical annals of ITS that the researcher needs “to distance [oneself] from some of the methodology that currently informs translation history as carried out within TS.”<sup>39</sup> Mariela Fernández notes how historiographers gravitate towards other fields in search of methodological tools: “translation scholars working in the field today have become more methodologically aware and have adopted conceptual tools from modern historiography and other closely related disciplines.”<sup>40</sup> Innovative historiographical methodologies applied to archival research may also inspire and require creative-academic writing styles to convey the experiences and perspectives of those central to the research.

Critically Race Theory was initially developed in the 1970s by lawyers, activists, and legal scholars,<sup>41</sup> and is more than a theory. It is a movement committed to transforming the inter-relational aspects of race, racism and power.<sup>42</sup> Although it addresses similar issues to other disciplines, CRT considers “a broader perspective that includes economics, history, context, group and self-interest, and even feelings and the unconscious.”<sup>43</sup> In this, CRT builds upon two prior movements: Critical Legal Studies and radical feminism. Though rooted in the legal arena, CRT has expanded to other disciplines and fields, such as cultural studies, political science, history, and comparative literature. This theoretical movement considers how cases can be decided “by emphasizing one line of authority over another, or interpreting one fact differently from the way one’s adversary does.”<sup>44</sup> CRT requires innovative legal research tools, instead of depending on pre-

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<sup>39</sup> Christopher Rundle, “Translation as an approach to history,” *Translation Studies*, (2012, 5:2,) 3. DOI: 10.1080/14781700.2012.663615

<sup>40</sup> María Manuela Fernández Sánchez, “History and historiography,” in *Researching Translation and Interpreting*, Claudia V. Angelelli and Brian James Baer, eds., (London: Routledge, 2012), 97.

<sup>41</sup> *Ibid.*, 4.

<sup>42</sup> *Ibid.*, 3.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, 5.

existing rules or categories driving the lawyers and litigation teams to dead ends.<sup>45</sup> From radical feminism, CRT derives its focus on “the relationship between power and the construction of social roles [...] and the collection of patterns and habits that make up patriarchy and other types of domination.”<sup>46</sup>

The CRT movement, according to Delgado and Stefancic, is involved in redressing historical wrongs. It looks at “the idea that each race has its own origins and ever-evolving history [...] no person has a single, easily stated, unitary identity.”<sup>47</sup> People comprising these groups offer their “unique voice of color.” They have the competence to speak about their ethnic experiences, including their experiences of race. The voice-of-color thesis encourages “black, American Indian, Asian, and Latino/a writers and thinkers [...] to communicate to their whiter counterparts matters that the whites are unlikely to know.”<sup>48</sup> The term “legal storytelling and narratives” was coined by CRT theorists to explain the telling of one’s stories, be they the individual’s or of one’s people. Legal storytelling<sup>49</sup> refers to both an activity outside of the courtroom and a legal technique inside the courtroom. Legal storytellers draw on inherent cultural practices of African, Native American, Asian and Pacific Islander, and Latin societies of telling their own stories—including slave narratives—as a form of historical preservation and cultural cohesion. Delgado and Stefancic assert that “legal storytelling and narrative analysis are clear-cut advances that the [CRT] movement can claim.”<sup>50</sup> Narratives are those that “provide a language to bridge the gaps in imagination and conception that give rise to the differend.

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<sup>45</sup> Ibid., 32.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 9-10.

<sup>48</sup> Ibid., 10.

<sup>49</sup> Derrick Bell, Richard Delgado, Patricia Williams, Tara Yosso, Matthew Fletcher, Mari Matusuda, a multiethnic representation, constitute some of its major proponents. (Delgado 2016: 55).

<sup>50</sup> Ibid., 46.

They reduce alienation for members of excluded groups, while offering opportunities for members of the majority group to meet them halfway.”<sup>51</sup> In the *Amistad* story, not only did narratives bridge Atlantic-colonial and judicial gaps, but languages provided the narratives of the journey of the *Amistad* Africans that prompted the Christian Abolitionists to meet them halfway. The stories told through Sign Language and Mendi reinterpreted into English exposed both their enslaving narratives and the fraudulent narratives of the opposing counterparts in the USA, Cuba, and Spain, in the English and Spanish languages and their translations. In turn, the *Amistad* Africans became “counterstorytellers”; according to CRT, “counterstorytelling” deconstructs the social worlds of disadvantaged groups under constant attack within societies. The purpose of telling of counterstories is to reveal the humanity of its protagonists by challenging and thus displacing “pernicious narratives and beliefs.”<sup>52</sup> This historiographical project contributes to the overall counter-judicial stories of a compromised system that favors racism and enslavement. It tells the *Amistad*’s untold court interpreting and translation stories and their interlocutors. In some ways, based on the principles of this theoretical movement, Critical Race Theory may have well been birthed with the *Amistad* Case 150 years earlier.<sup>53</sup>

Everyone had a viewpoint to share in the *Amistad* story. Abolitionists knew the critical importance of legal storytelling inside and outside the courtroom. Their strategy

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<sup>51</sup> Ibid., 52.

<sup>52</sup> Ibid., 50.

<sup>53</sup> Critical Race Theory can be applied to other legal aspects in the *Amistad* Case that reflect a bias against the *Amistad* Africans. Although the vessel was seized in Montauk, NY, the vessel was towed to New London, CT. United States Navy officers stated that the vessel was not in optimal condition to withstand the longer trip to NYC. Connecticut slavery laws benefitted the US Navy’s claims for salvage, while the NY anti-slavery laws would have benefitted the Africans. In court, these jurisdictional issues, which included a field visit, were argued around the Admiralty Laws and “high seas” definitions. At the end it was decided that the *Amistad* schooner though seized less than a mile from shore was on the high seas. The second matter has to do with the arrest of the Africans. According to the warrant executed by Marshal Wilcox, the Africans did not respond to the Spanish-given names in the *Licencias*. Instead, Wilcox attested in his affidavit that they responded to African names. Despite this discrepancy between the names of the warrant and the actual names, the Africans were arrested.

and arguments were based on their suspected story of the *Amistad* Africans once the schooner arrived in New London, CT. Their case strategy required innovative legal tools, chief among them being the need for an interpreter. An interpreter confirmed their suspicions and unmasked the hidden stories told by the *Amistad* Spaniard. An interpreter facilitated the *Amistad* Africans' telling of their story for the record in court. While eagerly searching for a Mendi-oral language interpreter, abolitionists also welcomed the assistance of sign language interpreters, a community known for its storytelling tradition. Yet the key contributions of the Sign Language community to the *Amistad* story remain mostly untold.

From Sign to Mendi to the English language, the Africans told their story of enslavement and colonialism. When the English translation of Spanish documents told a fraudulent story, they set out to uncover this aspect of their court adversaries' story. Alongside the abolitionists' litigation strategy, anti-slavery newspapers actively published the unfolding of the legal story of the *Amistad*. This was part of their commitment towards societal transformation. The real story they wanted to tell was one that ended the institution of slavery. For them, slavery was a societal evil and a sin that needed to be eradicated, and the *Amistad* story came as a blessing towards this goal. As Gerrit Smith, a nineteenth-century abolitionist and social reformer, wrote to the African captives, "I cannot but look on these remarkable and exciting occurrences in a very cheering light. God has ordered them to hasten the overthrow of slavery" (See Fig. 3).

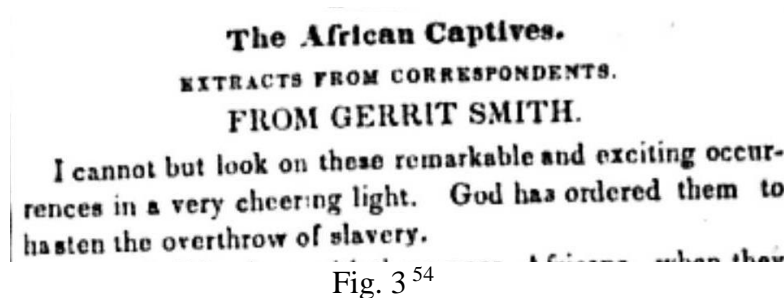


Fig. 3<sup>54</sup>

Theoretical analysis of CRT has identified different types of racism: biological, intentional, institutional, racism tinged with sexism or homophobia, and microaggressions, to mention just a few.<sup>55</sup> The intersectionality between CRT and ITS contributes analysis of another type of racism, namely linguistic racism, that was particularly obvious in the *Amistad* story, in the courtroom, and in the USA society at large. Among CRT theorists with Latinx and Asian backgrounds who have drawn attention to language rights of their communities, it is particularly the former who have raised issues brought before the court regarding discriminatory linguistic practices in society. However, CRT joins with ITS in the critical analysis of the *Amistad* story in focusing on on linguistic and racial ways in which court proceedings were either facilitated (to advantage the US) or blocked (to disadvantage the Africans), a tactic I refer to as linguistic racism.

Linguistic racism is not a new term.<sup>56</sup> It names discrimination based on accents affecting access, treatment, or assumptions made about people's wealth, intelligence, or social positioning. This form of racism privileges "standard" expressions of English, characteristic of white-speaking communities over those spoken by people of color. In the judicial context, linguistic racism impedes access to due process and justice when the

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<sup>54</sup> "Retracts from Correspondents," *The Emancipator*, September 29<sup>th</sup>, 1839.

<sup>55</sup> Delgado, *Critical Race Theory*, 30.

<sup>56</sup> See "Another slice of linguistic racism," by Sarah Schulist. In <https://anthropologyas.wordpress.com/2017/06/26/another-slice-of-linguistic-racism/>

courts fail to provide linguistic mediators who can interpret among defendants, claimants, and court officers, as occurred in the case of the *Amistad* Africans and Antonio, *el grumete*.

Linguistic racism manifests in discriminatory actions in the courtroom when law is interpreted or the Court decides in ways that do not do justice, let alone favor, non-English speakers. English-dominant individuals, groups, and institutions exert pressure on those native speakers of other languages to learn or adopt English and, at times, to discontinue usage of their vernacular. Christian Abolitionists, for example, instituted English-language instruction and Christian education in the prison shortly after the arrival of the *Amistad* schooner. Such linguistic racism forces ethnic groups to acquiesce to the melting pot concept by giving up their native languages for English as a way to assimilate and be accepted in a linguistically and culturally hostile society.

The *Amistad* Africans stood against linguistic racism in the courtroom. The *Amistad* abolitionists, mostly ministers and lawyers, understood that they were against laws and a judicial system that favored slavery and racism by not mandating linguistic mediators to their clients. Therefore, they assumed the responsibility of furnishing their own African interpreter to tell a different legal story of the *Amistad*. This research may constitute the first IT historiography to analyze racial and ethnic matters using the CRT methodology.<sup>57</sup>

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<sup>57</sup> Mona Baker, renowned and influential Egyptian scholar of translation, is an academic advocate of peoples living in oppressive situations, for instance, Palestinians and Arab communities. Her work, as author and editor, often discuss the translational and interpretation aspects that impact the lives and human rights of those marginalized. To date, as far as I know, her work does not apply a strictly CRT lens, a filter that reflects the racial realities of the USA. However, her research data and analysis point to racial and ethnic matters. For more on her prolific academic contributions and activism, see <http://www.monabaker.org/>, where “Oppression is not a perspective.” Also see her latest book, Mona Baker, Ed., *Translating Dissent: voices from and with the Egyptian revolution*, (New York: Routledge, 2017).



Said explicitly, the CRT filter and the *Amistad* story provide a fertile ground where my background and interests converge. Both Pym<sup>58</sup> and Saldanha and O'Brien<sup>59</sup> value the exercise of making explicit aspects of the researcher's choices and engagement with the historical sources. For Pym "it is a practice, with its own narrative qualities...as a confessional peek into the laboratory behind the scenes, or simply as a process of self-reflection for the perplexed."<sup>60</sup> He further encourages historians to question what motivates one to select a particular subject matter. For Saldanha and O'Brien, those proclivities in selecting a research topic are as important as other rigorous methodological issues: "It is far too easy to delve into a research project without first questioning one's own view of the world, and, especially, of knowledge acquisition and "truth."<sup>61</sup>

My research topic represents an intentional choice beyond unearthing realities not previously explored and beyond enlarging the parameters of The *Amistad* Case's historicity. In this manner, both research process and end-result carry the intention of "catalytic validity" as described in Pym and Saldanha's methodological framework:

Catalytic validity is the one concept that is considerably different from more conventional notions of validity; it involves acknowledging the reality-changing impact of the research itself and channeling that impact back towards the researched in the hope of increasing self-understanding and self-determination.<sup>62</sup>

Before encountering the methodological recommendations by Pym and Saldanha and O'Brien for researchers to delve into self-reflection regarding the purpose and motivations leading to the investigation's theme, my previous academic training had already required of me this introspective exercise. My graduate theological education expected students to embark on this first methodological step. An account of our *locus*, point of views, lenses,

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<sup>58</sup> Pym, *Methods*, x.

<sup>59</sup> Saldanha and O'Brien *Research Methodologies*, 29.

<sup>60</sup> Pym, *Methods*, x.

<sup>61</sup> Saldanha and O'Brien, *Research Methodologies*, 10.

<sup>62</sup> Saldanha and O'Brien, *Research Methodologies*, 39.

filters, prejudices, proclivities, and/or dislikes was required in New Testament courses as we embarked on biblical readings. Since then, this became an essential point of departure of any research journey I have authored.

I am a Puerto Rican woman who grew up on the island, and who has lived an equal amount of time in the USA. I identify as a bilingual and somewhat bicultural, middle-class woman. In 1993, I joined the United Church of Christ (UCC), a historical Protestant denomination that claims the legacy of key Christian Abolitionists in the *Amistad* story. In fact, it was in process of translating content for a UCC web page that I re-read the storyline of the *Amistad* while working as a staff court interpreter in New Jersey Superior Courts. In the late 1990s, the UCC, along with other organizations, financed a replica of the *Amistad* schooner with the purpose of teaching people about the transatlantic African slave trade. In 2017, I joined one of their educational tours as an *Amistad* scholar in residence aboard the *Amistad* replica. While my theology is eclectic in nature, I support a liberation theological reading of the Scriptures and of church praxis with an emphasis on reading from the margins.

As a Puerto Rican, I am cognizant of the five hundred years of colonial history under Spanish and USA rule. In response to this reality, I have dedicated time to support struggles, especially those aiming at decolonization and eliminating racism. The importance of this research topic speaks to my desire to dig into the impact of slavery and colonialism in my family, my professional background, my people, as well as to find ways to heal from it and to create new resolve for liberation. Puerto Rican culture combines a historical blend from three different continents. The *Amistad* offers a vehicle to bring these cultural and historical proclivities into this research project. In addition, for the last ten years, I have worked in both judicial and medical interpreting fields as a certified professional. In state courts, I have been employed as a staff and freelance interpreter in

New York, New Jersey, and Puerto Rico. This personal and professional background provides its own methodological filter. I sympathize with the Mende Africans and the *Amistad* interpreters; I am in solidarity with the Christian Abolitionists committed to securing the judicial and human rights of those imprisoned, and who stood against the colonial enslaving political system.

The third methodological perspective grew out of this thesis itself: an Interpreting and Translation Filter. The term “Theory of Translation and Interpreting” does exist in ITS, and is known primarily as a pedagogical Interpreting and Translation (IT) methodology or as a practical tool for translation activities.<sup>63</sup> In its development, ITS continues to adopt and adapt other theoretical models into the discipline. However, in order to expand its reach to other scholars in other disciplines, ITS needs to identify an exportable methodological model for non-ITS scholars to foster interdisciplinary research. The result could yield scholarship in other fields that integrate IT queries and curiosities with their primary sources. Gender, ethnic, class, labor, colonial, and theological studies, for instance, may apply solely or interdisciplinary feminist, queer, CRT, Marxist, postcolonial, or liberation theories to researched data. We need a comparable IT research tool that can migrate to other disciplines for adoption and adaptation by academics from other fields. An IT theoretical model will increment interdisciplinary dialogue outside of our field, augment the IT research findings, and aid in deconstructing the apparent “invisibility” of interpretation and translation matters in primary sources and other research.

An observation generated in the process of reading *Amistad* scholarship led to the possibility of this theoretical construction. Most of the sources consulted in the course of

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<sup>63</sup> Roberto Mayoral Asencio, “¿Existe la teoría de la traducción?,” *Apuntes* (Otoño 2002), 12.

this doctoral project have been examined or consulted by other *Amistad* or abolitionist historians. Yet those scholars had other filters or theoretical models, and this meant that they asked other questions of the sources, yielding different stories. My IT queries, accompanied with my background, filtered a different story, inquiries applied to sources found in the various libraries and institutions consulted: Yale University, National Archives of Boston, New Haven Museum, Schomburg Center for Research in Black Culture, and *Amistad* Research Center.<sup>64</sup>

As an initial theoretical step to define an “Interpreting and Translation Methodology,” I include some of the guiding questions of this research that can be adapted and adopted by other researchers inclined to intersect IT matters with their own projects. These are as follows: Did someone mediate a dialogue linguistically or convert a document from one language to another? Was there an interpreter or translator mentioned? How were these interlocutors identified? If not verified as being present, is there a suspicion of one being part of the interaction? What was the impact of not providing interpreting and translation services? What was the impact of providing them? What opportunity was missed by not providing one? How was this person recruited or trained? Who recruited this person? Were their intentions explicit or tacit? What were those intentions? What were the requirements of the interpreter and translator? Did laws or institutions mandate interpreting or translation services? Were their roles explained at the beginning of the assignment? How were they communicated? What ideology did they profess, explicit or implicitly? What were the political, social and cultural backgrounds of the interpretation and translation tasks? How did they influence or limit linguistic mediations? What were the micro and macro historical contexts? Were these adversarial and conflictive contexts? Was their role a reflection of these or other contexts? How? Did

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<sup>64</sup> For a detail list of sources, please refer to the “Table of Figures” and the Bibliography.

their linguistic intervention affect the historical course? How did others perceive, facilitate and/or prevent their tasks? Were their lives at risk or that of those they served? How did it change their life or that of others? What were the risks and consequences of the translation and interpreting tasks? What was the impact of these challenges? How did they face them? What ethical codes and professional standards reflect their performance and responsibilities? This list could benefit from some of Tryuk's questions that generated her research on ethics and interpreting, among them: "what kind of people work as interpreters in crisis or conflict situations, during wars?; what conditions are put on their jobs?; Is their job safe, and what should interpreters do to protect themselves and their relatives?; and Does interpreting bring profits or gains to the interpreter or, by contrast, [does] it expose[]the interpreter and his or her relatives to danger?"<sup>65</sup> Answers to the above questions frame the *Amistad* legal interpreting and translation story.

### **On Aims and Structure**

This research project is organized into five main areas. Following this Introduction, the first chapter elaborates on the historical background of the *Amistad* using existing scholarship and data from gathered original sources. The third and fourth areas discuss the translation and interpreting matters, respectively, that patch the IT story of The *Amistad* Case. The last section offers a look into the future and some conclusion statements arguments to this research.

The Introduction elaborates research inquiries, justification, and goals for this doctoral thesis. It reviews previous *Amistad* historical scholarship. In addition, this first section discusses theoretical models of translation and interpreting with a view to

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<sup>65</sup> Tryuk, On Ethics and Interpreting, 12.

presenting the methodologies adopted for this current research, chief among them Critical Race Theory. The first chapter broadens the historical context of the *Amistad* story. It expounds on the early nineteenth-century colonial practices of enslaving of the USA and Spanish Empires. It highlights how the independence of Haiti and the abolishment of the transatlantic trade treaty had an exponential effect on the illicit trade in the Spanish colony of Cuba that served as a backdrop to this story. The chapter explores in depth the theological and political motivations of Christian Abolitionists who adopted the cause of the *Amistad* Africans and assumed the costs of their legal representation.

The second chapter studies the translation matters in the *Amistad*'s legal battles. Divided into three sections that correspond to the three types of documents, this chapter quotes Spanish and English sources. First, the Spanish *Licencias* represent the documents proffered by the Spaniards who were attempting to establish the illegality of the *Amistad* rebellion. Ideological collusion with Spanish pro-colonial slavery stances led the USA to manipulate an official English translation of the *Licencias*. John Quincy Adams together with the abolitionists uncovered this adulteration. Second, the *Amistad* controversy yielded letters published in newspapers. These were translated by unknown translators from Spanish to English, in *The Emancipator*, and from English to Spanish in *Noticioso de Ambos Mundos*. Lastly, the search to secure officially translated international treaties between Spain and England, and Spain and the USA, occupied the abolitionists' efforts. This research task approaches translations about the *Amistad* from their political impact and the racial battle weighed in the above described pro and anti-slavery continuum.

The third chapter unravels the interpreting issues in the *Amistad* compendium. The chapter begins by summarizing the interpreting issues that have been previously researched. Earlier research covered the period from August to October 1839 during the recruitment of the main court interpreter. The abolitionists sought eleven essential characteristics in an

interpreter, of which the subjective ones were particularly cherished: an advocate-sympathizer of the cause and someone trustworthy. Eleven is also the total number of interpreters who were part of the *Amistad* story, from sign to oral language interpreters, not counting the candidates who hoped to intervene in favor of the *Amistad* Africans. The chapter highlights the impact of *Amistad* interpreters: Antonio Ferrer, Lieutenant Meade, John Ferry, Thomas Hopkins Gaulledet, Charles Pratt, and James Covey. Research analysis emphasized available African-born interpreters who knew first-hand the journey of the captive Africans.

This chapter also explores Benjamin Lawrance's historiographical research on the life of James Covey prior to becoming the *Amistad* interpreter. It further analyzes the three judicial proceedings, using ITS and CRT filters: the September 17<sup>th</sup> 1839 trial, the November 19<sup>th</sup> 1839 proceeding, and the January 7<sup>th</sup> 1840 *Amistad* trial. The conclusion highlights some of the key contributions of this research and delineates future investigation projects.

For style formatting, the Chicago Manual of Style (Bibliographical Style for the Humanities) combined with Kate L. Turabian, *A Manual for Writer of Research Papers, Theses and Dissertations: Chicago Style for Students and Researchers*. 8<sup>th</sup> ed. were used in tandem. Following a historical-academic writing style, the past tense is used to discuss nineteenth-century historiographical matters, and the present tense or future tenses to introduce all others. The reader will find an ample use of figures in the manuscript. These are an invitation to the reader to peek through this historical-research window. Grammar, syntax, orthography and punctuation of these figures were kept as found in the original sources. Translations, unless otherwise noted, are by the author. Spelling and accents of Spanish names were preferred in honor of immigrant communities in the USA. Both "USA" and "US" acronyms are employed, though when referring to the judicial system or governmental agencies "US" was preferred. In the recent past, Latin American activists

have adopted the acronym “USA” to distinguish it from the *Estados Unidos Mexicanos*, the United States of México.

This research contributes to the *Amistad* legal history from the ITS perspective, as well as to the corpus of interpreting and translation histories. Using the Critical Race Theory lens, it also adds to the critical analysis of IT historiographies. It contributes to the CRT movement by identifying linguistic racism as part of the discriminatory aspects of the USA legal system. In addition, through its account of the *Amistad* case, it expands the telling of interpreting and translation stories and counterstories, especially during the nineteenth century. This research highlights the transnational aspects of the *Amistad* story interwoven with linguistic issues. Furthermore, it illuminates what is probably the most documented judicial case of the colonial and slavery period involving interpreters and translators to date. It contributes to the dialogue about developing an exportable Interpreting and Translation Methodology for researchers in other disciplines. It furthers the discussion regarding ethical codes, professional standards, and court interpreting and their role in the administration of justice for linguistic and ethnic minorities. Lastly, this research hopes to inspire its readers through the unfolding IT stories of *La Amistad*.

With this introduction, I present the legal interpreting and translation stories of the *Amistad*.



## **Part 1. The Colonial and Enslaving Background of The *Amistad* Case.**

### **Chapter 1. Transatlantic and Transnational Trade: the back drop of The *Amistad* Case**

The nineteenth century saw the demise of the transatlantic African slave trade that, together with Christianity, had so long enabled the building of the Spanish, French, and British global empires. During the previous century, Africans and non-Africans had joined forces to tear down this economic and inhuman institution, their actions marked by three major events: the Haitian Revolution (1804), the British abolition of Transatlantic Trade (1807), and the Spanish and British Treaty against the slave trade (1817). These events should have led to further liberation efforts. Instead, those who had benefitted from slavery expanded their reach. As Ada Ferrer points out, “the end of the slave trade, and then slavery in the British and parts of the French world actually encouraged and fueled the expansion and intensification of slavery in emerging zones of commodity production, most notably in the U.S. South (cotton), southern Brazil (coffee), and Cuba (sugar).”<sup>66</sup> Northern consumer demand colluded with global avarice to spawn a new era in the slavery continuum that Dale Tomich calls “the second slavery.”<sup>67</sup> French planters from Haiti migrated to Cuba with their technology and slaves, Spaniards and others were granted permission to transport and sell slaves, and the colonial Spanish elite knew how to take advantage of this momentum.<sup>68</sup> Though the number of ships arriving in Havana ports had

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<sup>66</sup> Ada Ferrer, “Cuban Slavery and Atlantic Anti-Slavery.” In *Slavery and Antislavery in Spain’s Atlantic Empire* (New York: Berghahn, 2013), 136.

<sup>67</sup> Dale W. Tomich, *Through the Prism of Slavery: labor, capital, and world economy* (New York: Rowman & Littlefield, 2004), 56.

<sup>68</sup> Ada Ferrer, “Cuban Slavery and Atlantic Anti-Slavery.” 141-47.

initially dwindled after the triumphs of the abolitionists movements in Britain and Haiti, this inactivity only lasted two years after 1807.<sup>69</sup>

According to Ada Fuentes, between 1807 and 1867, Cuba imported 86 percent of its total enslaved population, a staggering figure. In addition, British and American companies continued trafficking flying. Before 1815, close to half of the slave ships coming into Havana were Spanish; afterwards, almost all of them were Cuban.<sup>70</sup> In response to the 1817 treaty, landing of slave ships and their illegal cargos in Cuba, and other colonies, skyrocketed. By the 1830s, the sugar industry had expanded its mobility and profits by the construction of a railway, further boosting the slave trade. since it needed slave labor both for construction and agricultural and production purposes. As Fuentes explains, the slave trade “received a major impetus in the late 1830s, expressly to meet the needs of the sugar industry and enable rapid transport of sugar cane to mills [...] the slave trade to Cuba underwent another violent period of growth.”<sup>71</sup>

Complicity between the colonial authorities and the slave traders only increased the illegal trade. Lax port regulations allowed *barcos negreros* or slave ships to dock in Havana or off its coast at night when they were not detected and therefore not prosecuted by the British and Spanish Mixed Commission. Once the human cargo was on land, local officials aided and abetted slave traders marching their human cargo to the open markets of the capital. The *Teçora*, a Portuguese vessel, was just such a *barco negrero* that illegally transported Africans to Cuba who later boarded the *Amistad* schooner.

However, the journey of the Mende-speaking Africans who were among the cargo of the *Amistad* began much earlier. Born and raised on the African continent, they were

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<sup>69</sup> Ferrer, 2013, 148.

<sup>70</sup> *Ibid.*, 149.

<sup>71</sup> *Ibid.*, 151.

kidnapped from their lands as a result of internal disputes, unpaid debts, or collusion between European slave traders and African nationals. The institution of slavery had long existed on the African continent; the later large-scale European involvement added a level of cruelty and brutality not previously seen. On occasion, Africans resisted, but collusion with the enslavers facilitated the slave trade, as the Europeans and USers<sup>72</sup> mounted stronger pressures and Africans ceded. Iyunolu Folayan Osagie, a Sierra Leonean historian, describes this situation:

The captive's stories narrated by the Africans were often similar. Many had been kidnapped, overpowered by several African slave catchers, while on a journey to their farms, on a trip to another village to buy goods, or while running some simple errand in the vicinity of home [...]. Throughout most of the 18<sup>th</sup> century, and increasingly in the early and mid-nineteenth century, both intertribal and intratribal wars in Africa were incited by the high demand for slavers in the West.<sup>73</sup>

Some countries abolished the transatlantic trade in humans in the early nineteenth century, England in 1807, the United States of America in 1811, Spain in 1813, and Portugal in 1815. Nevertheless, citizens of all these nations conducted covert slave trading activities even after it had been legally abolished in their countries. The *Teçora* and its crew covertly transported slaves across the Atlantic, violating an international law in effect for close to twenty years.

In April 1839, the Mende Africans began their Middle Passage from the Lomboko<sup>74</sup> Harbor on board the *Teçora*. Those who survived the brutal voyage were forced into smaller vessels to land. From the shore, they were led to the *barracón*, large

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<sup>72</sup> I have coined the term "USer," pronounced "you-eser", to refer to people born and raised in the United States of America or who identify as citizens of this country. Typically, "USers" self-identify as "American." At the same time, people from the other countries, the Global South included, adopt usage of this term. However, "Americans" encompasses anyone from the "Americas" North and South. In the language decolonization process, it is important to reclaim this term and for USers to find a new term to call themselves that contains their being, geography and influence.

<sup>73</sup> Iyunolu Folayan Osagie, *The Amistad Revolt: memory, slavery, and the politics of identity in the United States and Sierra Leone*, (Athens, GA.: University of Georgia Press, 2000), 2.

<sup>74</sup> Conversations with Sierra Leonean and Marcus Rediker documented in "Ghosts of the Amistad" that the actual name was "Jomboko" not "Lomboko" (Rediker 2013).

warehouses built expressly to house recently arrived slaves. At his later deposition, Dr. Madden testified that he had seen the Africans from the *Amistad* at the *misericordia barracón*, on the outskirts of Havana. In this type of lodging, slaveholders held the slaves for a while in an attempt to restore their physical health after the treacherous Atlantic journey before selling or transferring them. The Africans, soon to be known as the passengers of the *Amistad* Africans, fifty-three men in total, found themselves under new slaveholders. José Ruiz claimed forty-nine of the slaves; and Pedro Montes claimed four: three girls and a boy. All boarded a new vessel, *La Amistad*.

This was not the first time *La Amistad* had participated in covert trading activities. Antonio Ferrer declared under oath during the third day of the *Amistad* trial that “the schooner was accustomed to transport slaves. Ruiz had taken slaves in another vessel.”<sup>75</sup> A total of six composed the crew, including Antonio—*el grumete*, “*el negrito de cámara*”<sup>76</sup>—Ruiz and Montes. Captain Ramón Ferrer aka Ramón Roselló, born in Ibiza, was approximately forty-years old by 1838;<sup>77</sup> two sailors, Jacinto Verdagué, from Cataluña, and Manuel Padilla from Santo Domingo; and the Puerto Rican cook, “*un mulato esclavo del capitán llamado Celestino*” (the captain’s mulatto slave called Celestino).<sup>78</sup> José Ruiz, twenty-four, a bilingual Spanish-English speaker who studied in Connecticut, was from Rodezno, in Castilla la Vieja. Pedro Montes, aged fifty-eight, was from the city of Tortosa in Cataluña. According to Zeuske and García Martínez, captain Ferrer belonged to an extensive slave-trafficking network.<sup>79</sup> After 1820, control of the

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<sup>75</sup> “Third Day—Thursday,” *The Emancipator*, January 16<sup>th</sup>, 1840.

<sup>76</sup> “Viaje de la goleta *Amistad*,” *Noticioso de Ambos Mundos*, September 28, 1839.

<sup>77</sup> Michael Zeuske and Orlando García Martínez, “La *Amistad*: Ramón Ferrer in Cuba and the Transatlantic Dimensions of Slaving and Contraband Trade.” In *Slavery and Antislavery in Spain’s Atlantic Empire*. Josep M. Fradera & Christopher Schmidt-Nowara, Eds. (New York: Berghahn, 2013), 201-202

<sup>78</sup> “Viaje de la goleta *Amistad*,” *Noticioso de Ambos Mundos*, September 28<sup>th</sup>, 1839.

<sup>79</sup> Zeuske and García Martínez 2013, 201-202.

Cuban slave trade lay in the hands of Catalans and merchants from Cadiz, France, and the United States.<sup>80</sup> Barcelona became a hub for slave traders who were originally from Catalan or other parts of Spain. They amassed their fortunes in the Caribbean and Latin America via the transatlantic human trade.<sup>81</sup>

The crew of the *Amistad*, describe above, was preparing to transport the newly arrived Africans from Havana, on the eastern coast of Cuba, to Guanaja, in the west. However, transfer from one Cuban seaport to another required appropriate documentation, licenses or permit known as *Licencias*, which specified from where to where cargo (in this case humans) was being transported, and the names of the travelers.<sup>82</sup> Ruiz and Montes obtained these “official” documents illegally, with local Cuban-Spanish authorities complicit in the human trafficking. José Ruiz and Pedro Montes “obtained the papers through bribery and corruption (the technical term at the time was *cohecho*).”<sup>83</sup> Unbeknown to the Mendi-Africans, these documents identified them as *Ladinos* instead of *Bozales*, and falsified their African given names for ‘Spanish’ ones. *Licencias* recorded their “Spanish” names as: “Joseph Cingue, Antonio, Simon, Lacis, Perter, Martin, Manuel, Andrew, Edwards, Celeonis, Bartholomew, Raymond, Augustine, Evaristo, Casimiro, Mercho, Gabriel, Santaria, Escalastio, Paschal, Estanilaus, Desiderio, Nicholas, Stephen, Thomas, Corsino, Lewis, Bartolo, Julian, Frederick, Saturnio, Lardusolado, Celistino, Epifanio, Tevacio, Genancio, Philip, Francis, Hipiloto, Venito, Tidoro, Vicinto,

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<sup>80</sup> *Ibid.*, 206.

<sup>81</sup> Martín Rodrigo y Alharilla, “Spanish Merchants and the Slave Trade: from legality to illegality. 1814-1870. In Josep Fradera and Christopher Schmidt-Nowara, Eds. *Slavery and Antislavery in Spain’s Atlantic Empire*, (New York: Berghahn Books, 2013), 188. For instance, this was the case of Pedro Blanco Fernández de Trava from Malaga. Witnesses during the *Amistad* trial testified of the enslaving activities of Pedro Blanco in Jomboko. He lived in both Cuba and Africa, eventually, settling in Barcelona in 1842 (Martín Rodrigo y Alharilla 2013, 188).

<sup>82</sup> The “Chapter on Translation” discusses in detail these documents submitted as evidence in court.

<sup>83</sup> Michael Zeuske and Orlando García Martínez 2013, 207.

Dionecio, Apolonio, Ezidiquiel, Leon, Julius, Hipiloto, 2<sup>nd</sup>, and Zinon”<sup>84</sup>—instead of their African given names of Cingue, Grabeau, Kimbo, Konoma, Burna, Bartu, Gnakwoi, Kwong, Fuliwa, Pie, Pungwuni, Sessi, Moru, Ndamma, Fuliwulu, Bau, Ba, Shule, Kale, Bagna, Sa, Kinna, Ngahoni, Fakinna, Faginna, Yaboi, Fabanna, Tsukama, Berri, Foni, Burna, Shuma, Kali, Teme, Kagne, and Margru, as later recorded in the court chronicle by Barber with the assistance of the court interpreter James Covey.

*Amistad* scholar, Howard Jones, defines *Ladinos* as “slaves who had lived on the island long enough ... to speak the Spanish language,” while the term *Bozales* referred to those brought to the island after 1820 ... for they have never been domiciled and where unable to speak Spanish.”<sup>85</sup> Both terms were pejorative. *Bozal*, meaning muzzle, evokes the inability of slaves to speak the colonial language. On the other hand, the term *Ladino*, was a safer term for the Spanish slaveowners and colonial authorities, coined for those already in the process of inculturation. A variation of this term, *Ladino cristiano*, existed in Spain. Cynthia Giambruno, ITS historian, elaborates that in Spain the term referred to Africans residents of Spain who spoke Castilian, had assimilated Spanish customs, and had converted to Catholicism in Spanish colonies.<sup>86</sup> On the one hand, the law protected the monetary transfer of Spanish-speaking *Ladinos* within the confines of Cuba. On the other hand, the same law deemed illegal the transfer of *Bozales*. In court, experts observed that this term better described the *Amistad* Africans. The polemic around the *Licencias* and the debate of whether the Africans were *Ladinos* or *Bozales*, became pivotal in the *Amistad* Case, and is addressed in the chapter on Translation.

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<sup>84</sup> Barber 1840, 6.

<sup>85</sup> Jones 1987, 21.

<sup>86</sup> Giambruno 2008, 36.

With fraudulent *Licencias* in hand, the non-Spanish-speaking Africans were forced into the *Amistad* vessel captained by Ferrer. Originally this voyage was expected to last two to three days, except that nature had a different plan. Strong winds and high waves extended the trip to more than a week, creating shortages in the food and water supply.

In addition to treacherous weather, Captain Ferrer also ignored warnings he had been given. According to the *New Journal of Commerce* (July 1839), Ferrer had been cautioned “to keep a look out for the negroes, as they had attempted to rise and take the vessel in which they were brought from Africa.”<sup>87</sup> As foretold, in June 1839, a few days after sailing from Havana, off Cuban shores, forty-nine African slaves<sup>88</sup> mutinied and took control of the schooner *Amistad*. The insurrection took lives on both sides, Africans and Spaniards. Facing the fear of death, coupled with other atrocities during the Middle Passage, different forms of resistance manifested aboard enslaving ships in the forms of “creative resistance from those being transported, from hunger strikes to suicide to outright insurrection.”<sup>89</sup> In the context of the *Amistad* rebellion, Osagie elaborates, “although the captive’s bondage onboard *La Amistad* was, relatively speaking, less horrendous than their Middle Passage trip [...] the slaves reacted violently because Celestino [a slave from Puerto Rico] had taunted them.”<sup>90</sup>

Many more lives were lost from among the Africans than the Spaniards, of whom two died, two escaped, and three others remained. Captain Ferrer and the *Amistad* cook lost their lives (See Fig. 4 for artistic representation of the rebellious scene). Ferrer mistreated the Africans, and Celestino threatened the Africans that they would be killed

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<sup>87</sup> Michael Zeuske and Orlando García Martínez 2013, 216.

<sup>88</sup> Actually, there were a total of fifty-three slaves, of whom four were girls.

<sup>89</sup> Rediker 2007, 7.

<sup>90</sup> Osagie 2000, 5.

and served as a meal. Even if meant in jest, it incited the Africans. According to the African retelling of the events, the mere thought of this prompted the rebellion. Geneviève Fabre, extrapolating on the autobiography of Olaudah Equiano,<sup>91</sup> concludes that in the eyes of the enslaved Africans “the white man’s cannibalism explained his hunger for slaves and hence the slave trade.”<sup>92</sup> Also, sailors and interpreters together instilled fear in the captives; rumors traveled from Senegambia to Angola that enslavers had an insatiable appetite for their human cargo.<sup>93</sup> This explains why Sengbe, one of the forty-nine Africans, took Celestino seriously when he used hand-signs to communicate the impending death to the African passengers. The cook belonged to another layer of the machinery of slavery, those “who worked as interpreters, guards, sailors, cooks and even as musicians” in the enslaving vessels.<sup>94</sup>

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<sup>91</sup> “The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African.”

<sup>92</sup> Fabre 1999, 38.

<sup>93</sup> Ibid.

<sup>94</sup> Michael Zeuske and Orlando García Martínez 2013, 216.



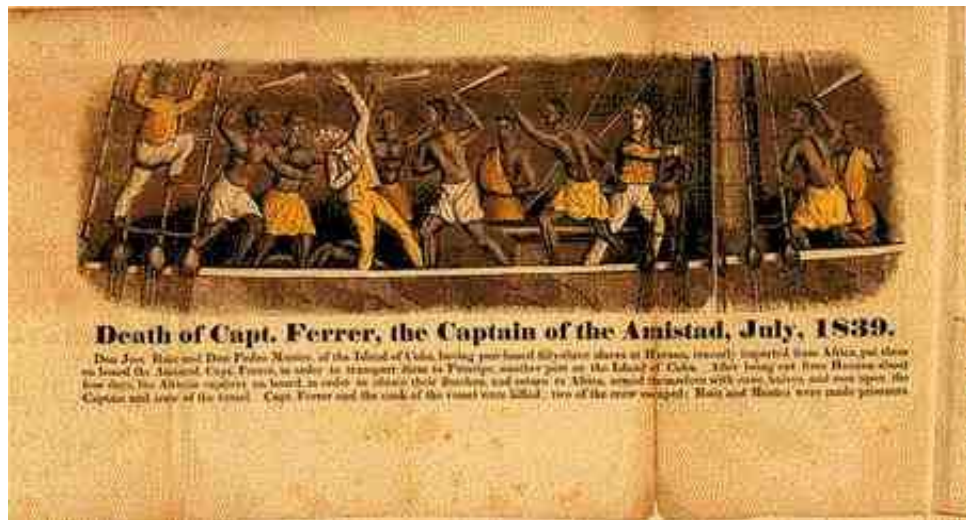


Fig. 4<sup>95</sup>

Jacinto Verdagué and Manuel Padilla managed to lower the small boat, and they were captured later by a whaling vessel and returned to Cuba. The Africans decided to keep the other three slavers alive, namely Antonio Ferrer, José Ruiz, and Pedro Montes.<sup>96</sup> According to the historical compilation by John W. Barber in *The History of the Amistad Captives*, Antonio was *un Ladino*, a creole boy of African birth raised in Cuba who would have been killed but proved helpful to the linguistic needs of the Mende Africans, since “he acted as interpreter between [them], as he understood both languages.”<sup>97</sup> It is difficult to understand what type of interpreting skills Antonio displayed. The Spanish narration of the events did not mention Antonio, *el negrito de cámara*, as interpreter. Perhaps non-linguistic communication took place between Antonio, the Africans, and Spaniards. On the subject of how colonizers communicated during the Spanish conquest, Antonio Leonel

<sup>95</sup> An original is preserved at Mystic Seaport Museum, Mystic, CT. The original, measuring 12 x 18 inches, reads at the top “Please preserve this, until called for.” Drawing inspired on the historical narratives according to Barber.

<sup>96</sup> In the nineteenth-century literature, his name was spelled with a ‘z’: in the twentieth- and twenty-first-century literature it is spelled ‘Montes.’ To date, I have not been able to confirm the accurate spelling of this name.

<sup>97</sup> Barber 1840, 7. To date, this is the only primary source that cites Antonio as an interpreter. Antonio was not interviewed for this compilation. Either the interviewed Africans related this fact, or James Covey.

De la Cuesta writes “*la comunicación con los naturales se hacía a través de lo que hoy llamamos la traducción intersemiótica o sea, por señas*” (communication with natives was done in what we call nowadays intersemiotic translation, in other words, by signs).<sup>98</sup> Perhaps, he knew some African words, but because interpreting was not a role solicited by Antonio during the *Amistad* proceedings it is more likely his communications on board ship had been via hand signals.

The Africans spared the lives of José Ruiz and Pedro Montes solely so that they could continue to sail the ship back to Africa, their home. The Africans identified Sengbe<sup>99</sup> as their leader and the one who ordered them to sail in the direction of the “rising sun” back to their homeland, Sierra Leone, West Africa. However, Ruiz and Montes<sup>100</sup> navigated in a completely different direction. Based on Montes’ narration to el *Noticioso de Ambos Mundos*, he maneuvered the sails westward at night and eastward during the day “*siempre flameando las velas y no hacía mayor camino*” (always flapping the sails, halting speed).<sup>101</sup> The Spaniards prayed they would land somewhere else but on the African continent, hoping to be rescued by another vessel that would sympathize with their enslaving interests. Relation of events in the Spanish newspaper, which represented the interests of the *Amistad* Spaniards, noted that Montes’ intention was “*dejarse coger por algún buque de guerra que pudiera haber en aquellos mares, pues suele haber por allí buques de guerra ingleses y de otras naciones*” (to allow some war vessel navigating

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<sup>98</sup> Antonio-Leonel de la Cuesta, *Interpretes y traductores en el descubrimiento y conquista del nuevo mundo* HISTAL Accessed May 28th, 2018. *Livius, I (1992) 25-34.*  
<https://buleria.unileon.es/bitstream/handle/10612/6323/Int%C3%A9rpretes%20y%20traductores%20en%20el%20descubrimiento.pdf?sequence=1>

<sup>99</sup> Different spellings of his name, for instance, Jingua, José, Cingue or Joseph Cinqué abound throughout the primary sources and historical narratives.

<sup>100</sup> Spelling of Pedro Montes’s name varies in the historical literature, i.e. Montes, Montez and Monte. I have adopted the spelling as printed in the newspaper *Noticioso de Ambos Mundos*, believing that it is the most accurate given its proximity to his cultural and linguistic heritage.

<sup>101</sup> *Ibid.*

in the area to capture them, since war ships, from England and other nations used to navigate those waters).<sup>102</sup> While the Mende Africans hoped to get closer to home with each rising of the sun, Ruiz and Montes secretly aimed the schooner westward to make sure this did not happen. So their zigzagging maneuvers lasted approximately two months, navigating northbound parallel to the USA east coast, toward New England (see Fig 5).

As expected, their supplies ran very low and starvation claimed the lives of six Africans.<sup>103</sup> In response to this crisis, Sengbe, along with his comrades, traded the vessel's bounty for water and food supplies, which required regular stops. Montes testified that they "anchored at least thirty times."<sup>104</sup> Unbeknownst to them, eyewitnesses along the coast generated newspaper articles reporting on a black schooner commanded by "pirates" or "buccaneers," and that "the ship grew more and more sluggish, her sails rotting against the masts, her bottom heavy with barnacles and sea grass."<sup>105</sup> Dwight P. Janes, in a letter to "Revd. Leavitt," described how "some of them have died in consequence of drinking salt water."<sup>106</sup>

On what would become their last supply-trading stop, on August 25<sup>th</sup>, 1839, when they believed their communication exchanged with Henry Green and others would open the way for their voyage back to Africa, the *Amistad* was seized and captured in Montauk, Long Island, New York by the USS Washington, a USA Navy ship. News of the "Black Schooner" had been reported since July 1839 when it never arrived at its port of destination. The news catapulted others into action. Lieutenant Richard W. Meade,

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<sup>102</sup> Ibid.

<sup>103</sup> Kromer 1997, 26.

<sup>104</sup> Barber 1840, 7.

<sup>105</sup> Kromer 1997, 26.

<sup>106</sup> AMA FI 4593.

following orders from Commander Gedney, intercepted *La Amistad* off the coast of Long Island, New York.

Lieut. Meade, a Spanish speaker, boarded *La Amistad* with his crew. No communication transpired with the Africans as they spoke neither English nor Spanish. Montes and Ruiz, however, told their version of story. Meade conversed in Spanish with Montes and in English with Ruiz, “a very gentlemanly and intelligent young man [...] [spoke] English fluently.”<sup>107</sup> On board the ship, linguistic access and class privilege favored the Spaniards, which caused them to be released. Meanwhile institutional racism and pro-slavery ideology led to the incarceration of the non-English speaking Africans.

The version of events recounted by Ruiz and Montes prevailed, and the brig proceeded to tow the schooner to USA soil, however, not to a New York harbor as expected, but to New London, Connecticut. Analyzing this decision, Jones explains: “perhaps because New York had abolished slavery, Gedney took his prize to New London.”<sup>108</sup> Meade and Gedney attributed their decision to the poor condition of the *Amistad*, which was unable to sustain the journey to NYC. Trying to understand the preference of CT over NY, Johnson surmised: “it was later charged that he did so because slavery was legal in Connecticut and not in New York, which meant that salvage rights to slave property would not be considered in New York courts.”<sup>109</sup>

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<sup>107</sup> Barber 1840, 4.

<sup>108</sup> Ibid.

<sup>109</sup> Clifton H. Johnson, Clifton H., “The *Amistad* Case and Its Consequences in U.S. History,” *Journal of the New Haven Colony Historical Society*, Spring, 1990, 2.

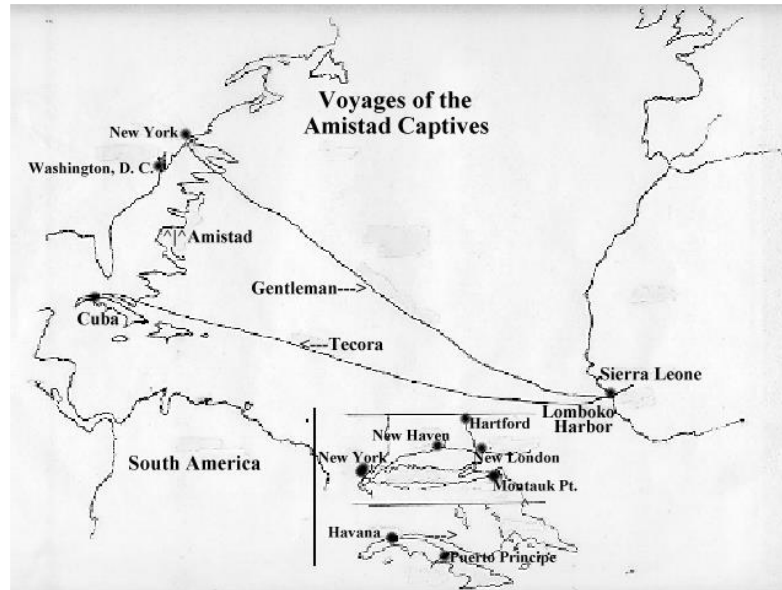


Fig. 5<sup>110</sup>

On August 26<sup>th</sup>, 1839, the Spanish schooner anchored in New London, CT. Gedney and Meade hurried to submit their complaint in the District Court to claim their salvage. Judge Andrew T. Judson, presiding, “had strong proslavery sentiments.”<sup>111</sup> During said hearing, which took place on board the schooner and the brig Washington, Lieut. Meade testified about his encounter with the *Amistad* and crew, and served as court interpreter. Barber recalled that he spoke “the Spanish language both elegantly and fluently, [and] acted as an interpreter between the Spaniards and the court.”<sup>112</sup>

José Ruiz, Pedro Montes, and the cabin boy Antonio all testified in Spanish, assisted linguistically by Meade. Barber reports that “Antonio, the slave of the murdered Captain, was called before the court, and was addressed in Spanish, by Lieut. Meade, on the nature of an oath.”<sup>113</sup> Nonetheless, the Mendi Africans did not enjoy the same judicial right to tell their side of the story with an able interpreter, especially after the Spaniards

<sup>110</sup> <http://law2.umkc.edu/faculty/projects/ftrials/Amistad/AMISTD.HTM>. This map depicts the long voyage of the Mende Africans from captivity to freedom. Lomboko Harbor in Sierra Leone to Cuba constituted the first leg of their trip. From Havana, Cuba, The Amistad zigzagged its way towards New York, the second portion of the trip. There they waited for two years until those who were still alive returned to West Africa.

<sup>111</sup> Osagie 2000, 7.

<sup>112</sup> Barber 1840, 6.

<sup>113</sup> Ibid., 7.

produced in court the falsified *Licencias*. At the conclusion of this proceeding, the Africans were accused of felony charges: “murder and piracy.” However, Johnson notes that, instead, they were charged with “murder and mutiny.”<sup>114</sup>

Thus began a series of court proceedings and international correspondence between the USA and Spain. Early in the judicial process the judge dismissed the criminal charges against the Africans based on lack of jurisdiction. Judge Thompson, the presiding judge on the civil trial of Amistad Case, ruled in favor of the Africans; however, the case was appealed to the highest USA court. A year after the trial, the Supreme Court of the United States upheld the initial decision, affirming their right to freedom and to fight for that freedom. The abolitionists had assumed legal representation of the *Amistad* Africans from the beginning motivated by the principle that slavery was a sin. After the Supreme Court decision, abolitionists redoubled their efforts, this time to raise the necessary funds to take the Africans back to Sierra Leone, and start the Mendi Mission and the American Missionary Association. The next section discusses the involvement of the abolitionists with the Amistad Africans and their case.

## **Chapter 2. The Christian Abolitionists—some friends in the midst of an unfriendly environment**

The Christian Abolitionists were responsible for developing a comprehensive defense team on behalf of the captured Mendi Africans; identifying a suitable interpreter was an essential component of their litigation strategy. Indeed, the first two handwritten letters composed by abolitionist Dwight P. Janes, from New London, outlined that winning the *Amistad* Case rested on finding an appropriate interpreter. One written to Roger S. Baldwin, Esq., on August 31<sup>st</sup>, 1839, urged him to lead the legal representation

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<sup>114</sup> Johnson 1990, 2.

of this case; the second one to Rev. Joshua Leavitt, Esq., a day earlier, appries him of his findings, AMA FI 4593; 4594, respectively. Leavitt, an abolitionist in New York City, consistently provided information on the *Amistad* events and case as editor of *The Emancipator* newspaper.

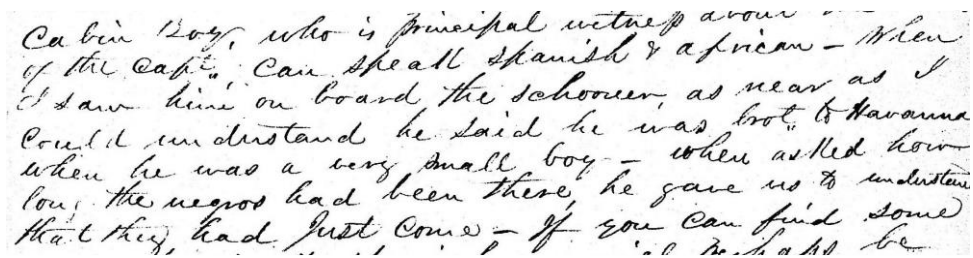
These may be the most important letters related to the movement of the *Amistad*. There, Janes established the core strategy of relying on an interpreter for the captives to tell their stories, contacting an attorney for the Mendi Africans, and recruiting Abolitionists in New York to assist in this goal. He verbalized the nature of the African as *Bozales*, and he foresaw the positive impact of this story in the anti- and pro-slavery USA context of the nineteenth century. Janes designed the defense strategy and spearheaded the initiation of the *Amistad* movement.

Janes attended the first public *Amistad* hearing. Reading between the lines of the various languages, secrets, and silences, as it were, Janes noticed that something was not right. Perturbed by what he heard and saw, he drafted these two letters outlining basic legal arguments by which to win this case and surmising the effect of the outcome of this court case in furthering the anti-slavery cause. He recognized that being able to recount the succession of events from the perspective of the Africans represented a key element in advancing the case, and would be possible only with the help of an interpreter.

Both letters reveal insightful information about the origins of the Africans. They confirm that they spoke neither English nor Spanish. On the postscript to the letter of August 30<sup>th</sup>, 1839, Janes exhorted Leavitt to pursue a possible material witness who could corroborate that the Africans had recently arrived from their continent. Proving this fact would sustain the right of *Bozales* to bear arms in pursuit of their freedom. Manisha Sinha, historian on abolitionism, argues that “abolitionists and even antislavery politicians found

themselves defending the slaves' right to rebel."<sup>115</sup> Janes advised the recipients of his letters of this possibility based on whispered information at the hearing. If proven, this fact would reinforce the illegal capture of the Africans:

Some say that the cabin boy, who is a principal witness about the murder of the capt., can speak Spanish and African. When I saw him on board the schooner, as near as I could understand, he said he was brot [sic] to Havanna when he was a very small boy. When asked how long the negroes had been there, he gave us [sic] to understand that they had just come.<sup>116</sup>



Cabin Boy, who is principal witness about  
of the capt. Can speak Spanish & African - When  
I saw him on board the schooner, as near as I  
could understand he said he was brot. to Havanna  
when he was a very small boy - when asked how  
long the negroes had been there, he gave us to understand  
that they had just come - If you can find some

Fig. 6<sup>117</sup>

A sense of urgency inspired Janes to write again to Leavitt, on September 2<sup>nd</sup>, 1839,<sup>118</sup> asking him to secure effective counsel for the Africans and for assistance in finding an interpreter. He wrote, “can’t you find some person in N.Y. who can speak African and send him up to New Haven? Perhaps I over rate the importance of this affair, but I believe all the abolitionists here feel as I do.”<sup>119</sup> Janes understood the crucial connection between having an interpreter and the historical impact of this “providential act.” For this reason, he conveyed to Baldwin, his brother in the faith, that the other Abolitionists “feel as I do.”<sup>120</sup> A postscript to one of his letters leaves room for another

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<sup>115</sup> Sinha 2016, 406.

<sup>116</sup> AMA FI 4594.

<sup>117</sup> AMA FI 4594.

<sup>118</sup> AMA files date this letter “September 22<sup>nd</sup>, 1839.” Handwriting and content analysis strongly suggest September 2<sup>nd</sup>, 1839, as the accurate date.

<sup>119</sup> AMA FI 4590.

<sup>120</sup> Ibid.



fellow abolitionist, Mr W. Bolles, to add his comments on the importance of this case in the overall war against slavery:

The case of the slaves attended to in the above letter of Mr. Janes I think will involve several important questions, and I hope will receive a thorough investigation. The discussions consequent on such a trial would be highly beneficial to the cause of freedom in the States. We want something to wake the people up as well as to get justice for the sufferers.<sup>121</sup>

Aware of all the discrepancies revealed at this hearing, Janes sought to enlist sympathizers to this cause. This opportune event, fanned by the accounts published in local newspapers, alerted the abolitionists to mobilize and organize in favor of the *Amistad* Africans. Abolitionists responded affirmatively to the call to “love their neighbor” and “the foreigner among them,” while, at the same time, developing their own pursuits. The arrival of the Mendi Africans was timely; the “[USA] was experiencing a widespread reform movement that, on the surface at least, exalted the common man and emphasized equality of opportunity.”<sup>122</sup> Part of this reform involved coming to terms with the two key positions against slavery — that of the abolitionists and of the anti-slavery supporters. Both agreed on the elimination of the institution of slavery. However, their loyalties and methods to achieve this goal differed. As foreseen by Janes, The *Amistad* Case prompted those along the anti-slavery spectrum to join forces with the abolitionists. Sinha expounds on the coalescing effect of the *Amistad* case envisioned by Janes, Bolles, and others: “The revolt [...] not only galvanized the abolition movement but also, because of the protracted legal proceedings, became a forum for abolitionists to make their case against the national recognition of slavery and to draw attention to the prolific illegal African slave trade.”<sup>123</sup> Notes accompanying the financial offerings on behalf of the Africans expressed how this case attracted the support of different factions of the movement. The case compelled

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<sup>121</sup> AMA FI 4594.

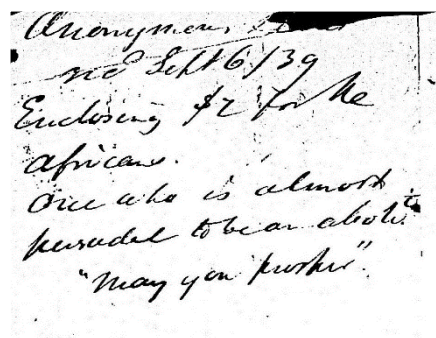
<sup>122</sup> Jones 1987, 31.

<sup>123</sup> Sinha 2016, 407.

people to give. Inside an envelope enclosing three dollars for the cause of the African Mendi, a handwritten note by Warrimer read:

P.S.: You are aware that I am not an Abolitionist in the popular sense of the term, yes, I hope slavery will soon cease in the U.S. and throughout the world. I think the slave owners have rights as well as the slaves; and that compensation (as least in part) should be made to the owners; and for myself I would cheerfully pay my proportion of a tax to free the slaves in the South at once. Many, and perhaps, most of the slave holders in our country would be willing to emancipate their slaves if they could be paid for them; and unless something is done by way of compensation, I fear the time is distant when we shall see slavery abolished. Great Britain, appropriated her hundred million for emancipation, why not follow her example? But I do not intend to argue the question, as I fear we shall not agree.<sup>124</sup>

Warrimer had the courage to identify himself as signator of the postscript along with his offering. Others preferred anonymity, fearing retaliation, or as a cautionary measure in the midst of repressive actions from the pro-slavery followers. An anonymous note on another envelope demonstrated the effect that the abolitionists hoped for as a result of the *Amistad* movement: anti-slavery supporters being pulled to the cause. This time the offering came from someone who, though not an abolitionist, was donating in support of freeing the Africans. The note expressed a closer proximity to the abolitionist movement. It read:



Anonymous  
no Sept 6/39  
Enclosing \$2 for the  
Africans.  
One who is almost  
persuaded to be an abolitionist.  
"May you prosper".

Anonymous  
Sept 6, 1839  
Enclosing \$2 for the Africans  
One who is almost persuaded  
to be an abolitionist.  
"May you prosper."

Fig. 7<sup>125</sup>

Even when some were inclined to side with The *Amistad* Case, the abolitionists and anti-slavery camps definitely disagreed in their approaches and beliefs. Both shared

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<sup>124</sup> AMA FI 4622.

<sup>125</sup> AMA FI 4000.

the moral conviction that slavery, a social evil, should come to an end. How to achieve this exemplified their opposing views. Warrimer's note demonstrated this difference. The anti-slavery movement advocated for remuneration for slaveholders for their lost "human" profits. On the other hand, abolitionists adamantly opposed this financial trade in exchange for freedom—slaves should be freed at once, they said, taking a more radical posture. Warrimer's citation alludes to the former. As an example, Great Britain compensated slaveowners in order to abolish slavery, a practice repeated when Spain was compensated for abolishing international slave trade. In Warrimer's view, the USA should follow suit.

Though abolitionists had existed back in the eighteenth century in smaller numbers, their growth increased at the juncture of a reformist movement and a religious fervor after the 1830s. Still, they remained a relative minority, estimated at around 200,000.<sup>126</sup> Reformers, for instance, wanted "more educational opportunities for young people, more rights for women, better treatment for the mentally ill, more help for the poor, and end to war."<sup>127</sup> At the same time, churchgoers increased wanting to eliminate sin and to build a nation, a kingdom<sup>128</sup> on Earth, pleasing to God. The abolitionists took advantage of this moment to appeal to the reformists for their support.

"Christian" Abolitionists became a synonym for abolitionists. The "Christian" adjective added to their name highlighted that their anti-slavery beliefs were rooted in their theology and interpretation of Scripture. For such abolitionists, slavery was an

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<sup>126</sup> Zeinert 1997, 37.

<sup>127</sup> Ibid, 36.

<sup>128</sup> The term kin-dom in many modern theological circles replaces the term kingdom. It is hoped that without the 'g' a more egalitarian and less patriarchal reality is forged for humanity, for our 'kin.'

abomination, a sin that contravened Christian doctrines and corrupted the moral fiber of society. Therefore, the abolitionists criticized their counterparts because:

Even in the states in which slavery is not tolerated, the great majority of the people are its apologists and supporters. Many, while they acknowledge that slavery is an evil, seem quite unconscious that to keep men in bondage is a sin. They pity the unfortunate slaveholder, but have no sympathy for the wretched slave.<sup>129</sup>

A religious abolitionist tract of the time called slavekeepers or slaveholders apostates.<sup>130</sup> As a sin, its end was deemed to be imminent. To grow internal and external support, abolitionists formed associations to solidify their objectives. In 1833, they formed the American Anti-Slavery Society (AASS) along with the associated newspaper, *The Liberator*. By September 4, 1839, a week after the Mendi Africans arrived in New England, The *Amistad* Committee was formed by the AASS to enlist supporters from all parts of the religious and political spectrum on behalf of this immigrant group now incarcerated in New Haven jails. Simeon Jocelyn, Joshua Leavitt, and Lewis Tappan were the co-founders of this committee. The announcement published in newspapers *The Emancipator* and *British Emancipator* stated the desire to collect funds to ensure the rights of the Mendi defendants, beginning with employing “interpreters, able counsel, and tak[ing] all necessary means to secure the rights of the accused. It is intended to employ three legal gentlemen of distinguished abilities, and to incur other needful expenses.”<sup>131</sup>

However, faith-based and political organizing for the abolitionists came with a cost. Abolitionists were criticized for their radical measures and suffered persecution. William Lloyd Garrison, founder of the AASS and the newspaper *The Liberator*, was

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<sup>129</sup> New-England Anti-Slavery Society. (1833, 01). *The Abolitionist: Or Record of the New England Anti - Slavery Society (1833-1833), 1*. Retrieved from: <https://search.proquest.com/docview/124720253?accountid=15172>

<sup>130</sup> Lay 1737.

<sup>131</sup> “The Emancipator,” September 5<sup>th</sup>, 1839.

almost hung in Boston; Elijah Lovejoy met his death when he insisted on printing articles in support of the liberation of slaves; Prudence Crandall followed her vocation to teach black students even though the school where she taught was stoned because of her commitment; and for the heads of the Tappan brothers a \$100,000 reward was issued payable anywhere in the South.<sup>132</sup> Despite the hostile environment, including the 1836 ‘gag rule’ that denied the possibility of bringing forth to Congress any anti-slavery discussions, The *Amistad* Case provided an opportunity “to rally support for the Abolitionists’ causes,” for “having moral rectitude influence legal justice,” and for “all to unite under a single banner.”<sup>133</sup>

Rediker asserts that the success of “the Abolitionists’ movement lay in making real for people in Britain and America that the ships carrying slaves were pervasive and utterly instrumental terror, which was indeed its defining feature.”<sup>134</sup> The *Amistad* afforded them such a chance to inject into the discussion of slavery first-hand testimony of the alarming truths of slavery from capture to the Middle Passage and beyond, to shake the legal and religious foundations of this institution, and, hopefully, to accelerate the end of slavery as an institution in the USA. They needed a catalyst—“a dramatic event ... to awaken their countrymen to the sordid nature of slavery”<sup>135</sup>—precisely what The *Amistad* offered for “such a time as this.”<sup>136</sup>

Most leaders of the abolitionist-*Amistad* movement had received formal training as ministers and attorneys; certainly, the bulk of the writers of the letters used for this

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<sup>132</sup> Zeinert 1987, 42-45.

<sup>133</sup> Osagie 2000, 8-9.

<sup>134</sup> Rediker 2007, 8.

<sup>135</sup> Jones 1987, 35.

<sup>136</sup> An allusion to the Book of Esther in the Hebrew Scriptures, to a poignant conversation she had with her uncle when he challenges her to intervene on behalf of their people making use of her privileged position in the King’s court for “such a time as this.”

current research project exemplify this profile. Most were also white. They were cognizant of the influence of racism as a pillar for slavery, though not all agreed on issues of equality and on what steps to follow after dismantling this institution. Slavery, in this historical period, rested on the principles that some should work without any compensation from others, that darker skin pigmentation predisposed those who should subjugate themselves for the profitable benefit of others with lighter skin tones, and that those with darker skin tones were less than human, inferior in intellectual abilities. Though these racist attitudes were not resolved completely in the actions and thoughts of those opposing slavery, including the Abolitionists, this later group hoped that if “demonstrated that color was not a legitimate obstacle to a person’s natural right to freedom, they would lay the basis for a major assault on slavery that might vindicate their larger aims.”<sup>137</sup>

Abolitionists of European descent actively organized in favor of the *Amistad* Africans, but they were not the only ones. The African American Abolitionist community also advocated<sup>138</sup> for their freedom in substantial ways. A New York City newspaper, *The Colored American*, edited by Charles B. Ray, sole proprietor, regularly published articles on the status of the Africans, the progress of the case, fundraising church events on their behalf, and on the financial support sent to the *Amistad* Committee generated by the freed Black community. A weekly-Saturday publication, the September 14<sup>th</sup> issue republished the announcement on the creation of the *Amistad* Committee soliciting “interpreters and able counsel.” The following Saturday, the newspaper published a note from abolitionists Jocelyn, Tappan, and Leavitt in acknowledgement of receipt of \$84.25 in support of “a sacred cause.” Due to financial challenges, the newspaper took a hiatus toward the end of

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<sup>137</sup> Jones 1987, 32.

<sup>138</sup> Further research hopes to uncover primary sources from non-white communities.

1839 to March 1840; once reincorporated, Ray continued to publish information on the Amistad Case.

*For the Colored American.*

Mr. Editor,—In addition to your notice of the highly talented & interesting exhibition for the benefit of the Africans held as prisoners to appear before the District Court at Hartford, in November next, please to acknowledge the receipt of \$84.25. received from the committee of the Philomathean and Phoenixian Societies, (James Fields, Patrick, H. Reason and Wm. P. Johnson,) being the nett proceeds of their exhibition on the 17th inst. —a liberal offering in a sacred cause.

SIMEON S. JOCELYN,  
JOSHUA LEAVITT,  
LEWIS TAPPAN.

New York. Sep<sup>r</sup>. 25. 1839.

Fig. 8 <sup>139</sup>

Jessica A. Gresko, in her article, “Coming to the Aid of the *Amistad* Africans,” recorded how “Black communities also continued to send money to the Amistad Committee ... providing defense lawyers for the Africans and taking care of their physical needs.”<sup>140</sup> Perhaps one of the most notable contributions to the *Amistad* story came from Robert Purvis, a rich Black abolitionist from Philadelphia. Kim A. Silva,<sup>141</sup> in her article, “Signs of Freedom: Deaf Connections in the Amistad Story,” notes that “African American Abolitionist, Robert Purvis, commissioned the artist, Nathaniel Jocelyn to paint the first heroic portrait of an African, Portrait of Cinque.”<sup>142</sup> (See Fig. 9).

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<sup>139</sup> *Colored American*, September 28<sup>th</sup>, 1839.

<sup>140</sup> Gresko 2014, 129.

<sup>141</sup> Presently, Silva leads The Amistad Tour sponsored by the Farmington Congregational Church in Farmington, CT. She is a sign language interpreter and historian. After the Supreme Court decision, the Amistad Africans lived in Farmington hosted by this church and its members until their return to Sierra Leone, Africa. Farmington was one of the stops in the underground railroad.

<sup>142</sup> Kim A. Silva, “Signs of Freedom: Deaf Connections in the Amistad Story.” Kristin Snoddon, Ed. *Telling Deaf Lives: Agents of Change*. Washington D.C.: Gallaudet University Press, 2014), 140.



Fig. 9<sup>143</sup>

Nathaniel, the brother of Simeon Jocelyn, and the painter of the portrait, was one of the three founders of the *Amistad* Committee. But it was Purvis who commissioned the painting. Purvis hired a prominent white artist to memorialize the figure of Sengbe Pieh, the leader of the *Amistad* revolt, as a “symbol of black resistance and moral fortitude.” Currently, the portrait is part of the permanent collection at the New Haven Historical Society. However, according to Richard Powell, the painting was unveiled weeks before the Supreme Court began deliberations in the appeals process of the *Amistad* Case. Before then, according to this source, Mr. Purvis kept the painting in his house, a stop in the underground railroad. Sengbe’s image resembling a “Greco-Roman divinity,” a radical figure that aimed to contradict “the prevailing perception of the captive Africans as

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<sup>143</sup> “Cinque,” painting by Nathaniel Jocelyn, original at the New Haven Museum.



savages.”<sup>144</sup> Purvis’ commission pursued a new racial-humane depiction of Sengbe and the Africans, in part hoping to transform public perception.

Across racial lines, abolitionists’ theological precepts fueled their struggle. Churchgoing was a common practice among all members of all social classes, whether in the North or the South. Participation at church provided life with direction and meaning, especially when religious stances tend to sway emotions like a pendulum and influence all spheres of society. Though published at a later date in 1868, some religious books expounded on the convergence between the Bible, human rights, and the abolition of slavery. These sources encapsulated the hermeneutics of the abolitionists, their analysis and perspective on the historical background of this researched period. It is refreshing that in their exposition they do not apologize for making use of reason, conscience, and common sense as integral to the theological process:

Our best and highest instincts—our strongest rational convictions—assure us that slavery is a system of abominations, and in the conflict between them, we have no choice but to listen to reason, conscience, instinct and humanity.<sup>145</sup>

B.J.L. Stone, a member of the Catholic tradition, understood this principle, how biblical depictions of slavery did not consistently support an abolitionist position. In fact, some passages clearly portrayed enslaving actions by “good biblical men.” However, at the end, it had to do with the ultimate goal of Christianity: “I am not about to argue that the Bible is an Abolition Book,—except in its sure tendency and inevitable result [...] the teachings [...] and the providential dealings of the other will ultimately *abolish* [emphasis

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<sup>144</sup> Richard J. Powell, “How Cinque was Painted.” December 28, 1997. [https://www.washingtonpost.com/archive/lifestyle/style/1997/12/28/how-cinque-was-painted/64bcb5bd-bae9-4db4-9be8-52352c21a829/?utm\\_term=.c9b94ff237e2](https://www.washingtonpost.com/archive/lifestyle/style/1997/12/28/how-cinque-was-painted/64bcb5bd-bae9-4db4-9be8-52352c21a829/?utm_term=.c9b94ff237e2)

<sup>145</sup> Stone, B.J.L., *Slavery and the Bible: Slavery as seen in its punishment*, (San Francisco, CA, USA: B.P. Street), 1868, 4.

in original] all wickedness and evil.”<sup>146</sup> Stone groups supported the end of slavery on scriptural grounds. In contrast, they criticized their counterparts for supporting the institution of slavery, a direct consequence of their lack of human conscience:

Sincere men of insufficient learning, —learned men [sic] whose ‘conservatism’ is greater than their consciousness,—and men with neither learning nor conscience, who are mere unreasoning, unfeeling *partizans* [emphasis in original], governed wholly by prejudice, by party, or by interest.<sup>147</sup>

Under the leadership of Christian Abolitionists, a trustworthy network of activists searched for a court interpreter. In turn a trustworthy interpreter uncovered the story of the uprooted Mendi Africans. Unfortunately, with the same angst, abolitionists mounted their evangelizing practices with the Mendi captives. Christian Abolitionists, professing radical biblical hermeneutics, “were the most fiery [sic] group among the antislavery people.”<sup>148</sup> Their missiology, however, responded to a more conservative theological framework, which was divorced from racist ideology. In an effort to increase support from anti-slavery activists, and from the public at large, abolitionists recruited students from the Yale seminary as English teachers for the Mendi captives. For them, language and Bible learning went hand-in-hand. It was a strategy to make the captives look “civilized” while advancing their African mission field. It was in 1840, after the release of the Africans that the abolitionists waited another year until they had raised the funds to take them back to their homeland, marking the beginning of the Congregationalist Christian mission in Africa and The Mendi Mission. The victory of The *Amistad* Case created the American Missionary Association (AMA) as its missionary branch, archiving volumes of letters, some used for this project. The AMA’s missionary activities with the captives intensified after James Covey was found as an interpreter, but in the meantime, “Tappan

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<sup>146</sup> Ibid., 8.

<sup>147</sup> Ibid., 5.

<sup>148</sup> Kromer 1997, 41.

hired divinity students from Yale College to work with [John] Ferry in giving the blacks religious instruction.”<sup>149</sup> This does not imply that the Africans, particularly their resilient leader Cinque, did not make a choice to be instructed; we learn, through the voice of an interpreter, that: “Cinque says he wants to learn the language and will apply himself. He says, ‘if you were in my country and could not talk with anybody, you would want to learn our language; I want to learn yours’.”<sup>150</sup> Yet, fighting for their rights should have not required Christian conversion but a conviction on their human rights. Acting on Christian anti-slavery principles should not have been confused with forcing Africans into this triune faith. Despite the Africans’ willingness to learn the English language, their needs for translation and interpreting issues remained consistent from their arrival and past the *Amistad* trial in January 1840.

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<sup>149</sup> Jones 1987, 42.

<sup>150</sup> AMA FI 4660.

## Part 2. Translation Matters in The *Amistad* Case

### Introduction: How they mattered

As this research progressed, the translation of documents and their relevance in the *Amistad* slavery and anti-slavery continuum grew significantly. Initially, when Spanish *Licencias* (permits/licenses) were proffered by Spaniards as proof of a legitimate acquisition of the *Amistad* Africans, the abolitionists did not anticipate their hidden truths. Soon after that, the defense team realized that document falsification had led to fraudulent translations. All of these actions had supported the institution of slavery and had sought to keep the Africans in jail—their new enslavement. At the same time, a contentious exchange of letters between Lewis Tappan and José Ruiz, published in newspapers, turned this case into a public forum over slavery. These letters were translated from English into Spanish, and from Spanish into English, before being published in Spanish and English newspapers, respectively. A third translation issue involved the uphill battle to find official translations of treaties signed between Spain, England, and the United States, including those that had abolished the transatlantic slave trade. By looking at these three main types of documents—the *Licencias*, the letters, and the treaties—this chapter begins to unravel the translation issues that emerged in the first two years of this court case.

As explored in the historical background section, the first *Amistad* court hearing proceeded on August 29<sup>th</sup>, 1839. Spanish speakers had access to a Spanish/English interpreter, while the Africans lacked this judicial right to tell their story in Mende. The *Licencias* were proffered at the hearing: “several bundles of letters were produced, saved from the *Amistad*, and such as were unsealed, read.<sup>151</sup>[...] Among the papers were two

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<sup>151</sup> Since these documents were entirely written in Spanish, this comment suggests that they were sight translated for this judicial proceeding. Barber’s account does not include who were responsible for the sight translation of these *Licencias* for the record. It may be logical to assume that either “Señor Don José Ruiz” who spoke English and/or Lieut. Meade who spoke Spanish assisted the court in this task.

licenses from the Governor of Havana, Gen. Ezpeleta [...] Regular passports were produced, allowing the passengers to proceed to their destination.”<sup>152</sup> Lacking an interpreter, the production of the *Licencias* proved detrimental to the Africans, especially after the Spaniards also produced falsified *Licencias* to cover their illicit appropriation in Havana, Cuba. Linguistic and class privilege operated in favor of José Ruiz and Pedro Montes, who were claiming ownership of the Africans, securing their release into the society at large. Meanwhile, institutional racism and proslavery ideology paved the way to jail the non-English-speaking Africans. They were unable to disprove the documents written in Spanish, or tell their side of the story in opposition to the one offered by the Spaniards.

The successful search for a Mende interpreter launched by abolitionists would also disprove the fabricated claims embedded in the *Licencias*, the documentary evidence presented by the Spaniards. This was not an easy task to prove if Antonio, enslaved by Captain Ferrer, testified in favor of the Spaniards. They believed that the African’s ability to be heard in open court via testimonial evidence—“a person’s testimony offered to prove the truth of the matter asserted”<sup>153</sup>—represented a central element in furthering their acquittal case, supporting the reality that the non-Spanish speaking Africans arrived in Cuba after 1820 when the transatlantic slave trade abolishment treaty between Spain and England came into effect.

Abolitionists who mounted the defense in favor of the Mende defendants of the *Amistad* Case focused their case on testimonial evidence. For this reason, they searched assiduously for a court interpreter for their non-English-speaking clients to disprove contentions by the opposite side.<sup>154</sup> On the other hand, the Spaniards’ legal team (the

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<sup>152</sup> Barber 1840, 6.

<sup>153</sup> Bryan A. Garner, Ed., *Black’s Law Dictionary*, 8th ed., (MN: Thomson West, 2004), 595.

<sup>154</sup> Zaragoza-De León 2015.

plaintiffs) seem to have honed their efforts on documentary evidence— “evidence supplied by a writing or other document, which must be authenticated before the evidence is admissible.”<sup>155</sup> Admissibility of the *Licencias* was crucial for the Spaniards, attempting to dissipate suspicion on their purported retention of the Africans. At the same time, the legal team for the *Amistad* captives had to invalidate said documentary evidence to win the case in favor of their clients. The English-translated versions of the *Licencias* brought to the forefront translation problems that exposed issues of fidelity and manipulation strategies entangled in nineteenth-century colonial and enslaving structures. Furthermore, handwritten letters and printed pamphlets reflected collusion between the U.S. government’s executive, legislative, and judicial branches in support of pro-slavery ideology, and echoed the pleas of the Spanish crown on behalf of the *Licencias* holders.

## **Chapter 1. On Spanish, translators and *Licencias***

This section expounds on the translation issues during this case that centered around the *Licencias*, diplomatic letters exchanged between Spain and the USA, translation of articles published between *Noticioso de Ambos Mundos: dedicado á las Artes, Comercio, Agricultura, Política y Bellas Letras*<sup>156</sup> (See Fig. \_\_\_\_\_), and finally, the translation of Spanish treaties. This section intends to show, in the case of the *Licencias*, how textual manipulation strategies of addition and omission reinforced ideological colonial and enslaving traits. The use of translated texts published as news

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<sup>155</sup> Garner 1990, 596.

<sup>156</sup> This Spanish newspaper, printed in New York City, was owned and edited by Don Juan de la Granja, and it was dedicated to commercial, agricultural, political and literature news from ‘*Ambos Mundos*,’ both worlds, the American and European Continents. Though the publication circulated for a few years, and stopped its publication at the end of 1840, the paper left imprinted an *Amistad* legacy.

articles could be ranked along these same ideological lines. Their translators and/or editors remained unknown.

Recruitment of translators was not in the purview of the *Amistad* Committee initially formed in New York City on September 4th, 1839. Consequently, on Thursday, September 19, 1839, Jocelyn, Leavitt, and Tappan appealed to “The Friends of Liberty” in an advertisement first published in *The Emancipator* in New York City—and thereafter on every Thursday. This ad, reproduced in multiple newspapers in the USA, including *The Colored American* (NYC), *The Daily Herald* (New Haven), and, outside the USA, in the British *Emancipator* did not seek translators, linguistic mediators of *written* documents. (See Fig. 10). Nor did it specify what language was needed. However, recruitment of a Spanish translator or interpreter was clearly not an urgent need, since Spanish speakers serving as interpreters were relatively common. Because of that, in the beginning, Spanish interlocutors could corroborate the Spaniards’ testimony—and, on behalf of the Africans, eavesdrop on conversations that might offer useful insights for their defense.

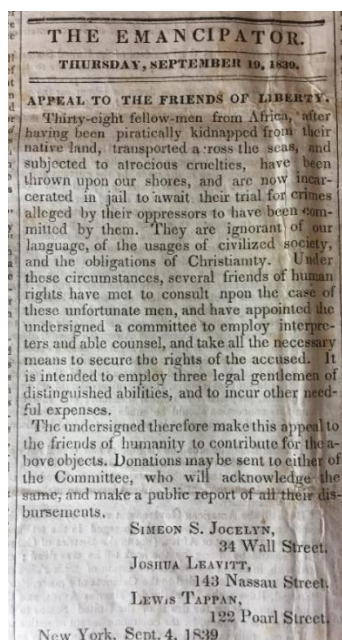


Fig. 10<sup>157</sup>

<sup>157</sup> *The Emancipator*, September 19th, 1839.

By contrast, it was far more challenging to find someone who could understand both some African languages and English, than to find someone who spoke Spanish. In 1839, there were more than thirty newspapers printed in New York City, four of which were printed in Spanish, appealing to a wide Spanish-reading community. Sources in this research mention the ample availability of Spanish speakers even among the Abolitionists. But it was not until Ruiz and Montes submitted the Spanish-expedited *Licencias* for transporting the African men, boys, and girls from the Port of La Habana to Guanajo, that translation matters became pivotal to the case.

Throughout the duration of the *Amistad* trials from 1839 to 1845, Spanish documents and their translation abounded. Newspaper articles and legal debates increased after the civil trial that took place on January 7th, 1840. Exchange of diplomatic letters, Grand Jury hearings, and witness testimony in court during the Fall of 1839, already envisaged their primal importance of the case. On January 16th, 1840, *The Emancipator* published the transcripts of the *Amistad* trial indicating that the U. S. Attorney submitted “the schooner’s papers [...] with a translation of them.” But in addition to those *Licencias*, Spanish/English translation issues extended to diplomatic letters to and from the US Department of State, the Executive Branch, and Spain; to international treaties signed between the USA and Spain; and to abolition treaties signed by Spain that were reviewed by the 26th Congress, 1st Session. Other letters also took center stage, such as letters from Ruiz and Montes published in Spanish newspapers and translated for readers in English newspapers, and vice versa, and newspaper articles. While interpreters were known by first and last names, translators in the case of the *Amistad* were anonymous. In all instances, translation responsibilities were attributed to institutions, as in the last example in this section, international treaties.





Fig. 11<sup>158</sup>

### ***Ladinos or not Ladinos?***

Questions regarding the authentication of the *Licencias* became apparent as soon as Ruiz and Montes showed the documents in their possession to US Naval and judicial authorities. After Dr. Richard Robert Madden, a material witness in the *Amistad* case, was deposed on Nov 20th, 1839, after the November 19th, 1839 trial date, issues about linguistic and translation discrepancies lodged in the *Licencias* quickly attracted attention. Madden “a British subject having resided [...] at Havanna [...] deposes and says that I have held the Office of Superintendent of Liberated Africans during the term...and have held for the term of one year the office there of British Commission in the mixed Court of Justice.”<sup>159</sup> The mixed Court of Justice was created between Spain and England to monitor illegal slave-trading sea activities in the Atlantic Ocean and Caribbean Seas. The Buzzard, for instance, the brig from where James Kaweli Covey was recruited, often captured slave-carrying ships as a result of illicit transactions. Madden’s statements defined and contraposed the terms *Ladinos* and *Bozales* to further sustain the contentions of the

<sup>158</sup> “*Noticioso de Ambos Mundos*,” 7 de septiembre de 1839.

<sup>159</sup> “Dr. Madden’s Court Testimony,” Thomas R. Gedney vs The Schooner *Amistad*, National Archives in Boston.

abolitionists. The term *Ladinos*, he stated, was “a term totally inapplicable to newly imported Africans” both for the adults and especially for the children aboard the schooner.<sup>160</sup> After the 1820 treaty, however, the transatlantic-slave trading scheme was executed by these imperial nations. Madden’s response to the last question of his cross-examination, which apparently took place in a hotel, brings to light the fraud embedded in these documents. It also manifests the collusion between local authorities in Cuba and this unlawful practice:

Any negroes [sic] [that] landed in the island since 1820 and carried into slavery have been illegally introduced and the transfer of them under false names such as calling *Bozals* [sic], *Ladinos*, is necessarily a fraud. Unfortunately, there is no interference in the part of the local authorities. They connive at it and collude with the slave traders. The governor alone at the Havana received a bounty on [impost] on each negro they illegally introduced for 10 dollars a head.<sup>161</sup>

As was true of court testimonies, so too transcripts of Madden’s sworn oral statements were published in newspapers. The weight of his expertise as an eyewitness to the smuggling of the slaves in Cuba was sustained even after he returned to Cuba days later. This was reflected not only during the trial on Jan 7th, 1840, but in documents generated by the USA Legislative and Executive branches. As late as June 24th, 1846, Madden’s devastating testimony was recorded in congressional documents entitled “Schooner Amistad” for the 29th Congress, 1st Session, Rep. No. 753, for the Committee on Foreign Affairs. In response to his testimony on the *Licencias*, a letter promulgated therein contested the following:

They are on the the record, all in perfect order, all certifying the purchase and slavery of the negroes, all ostensibly unobjectionable. The method of annulling them as false and fraudulent, by accepting the testimony of Madden, appears to this committee to be violative of the great principle, that fraud is never to be believed without indisputable proof—especially when

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<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

to set aside documentary credentials, and the equally conservative principle that such credentials are to be held sacred, unless thoroughly contaminated by fraud. Madden was a mercenary man, whose salary depended on his abolishing the slavery of Spanish negroes. His testimony, by itself, is whole incredible. It is hardly testimony at all.<sup>162</sup>

Later in the same document Thomas Owen, a merchant and writer of the piece, attempted to dispel any doubts on the famous licensing documents when he wrote:

[The *Amistad*] papers were indisputable. Without Madden to cry fraud, one negro vagbond to swear to it, another to swear that he believed the first, and a professor of African dialects to give his opinion that the fifty negroes were not slaves, the whole fabrication of fraud on which American courts, less respectful of authentic document than the most arbitrary commander of a sloop-a-war, was baseless suspicion without proof.

In short, they were disputable with solid corroborating evidence. The transferring documents for the *Amistad* Africans were fabricated, even though personally signed by a Don Joaquín Ezpeleta y Enrile, governor of Cuba at the time.<sup>163</sup> But what were the *Licencias*? And what were the disputed aspects therein? This will be discussed in the next section.

### **With or without *Licencias***

*Licencias* was required to be issued for all persons departing or entering Cuban ports, Spaniards and enslaved alike. Obtaining the *Licencias*, by and for the Spaniards, was a legal process. For *Bozales*, or recently arrived enslaved Africans who spoke only African vernaculars, an illegal process was established.<sup>164</sup> This involved bribing Cuban authorities who gave them Spanish first names, and changed their status to *Ladinos*, a term used to describe Africans who had lived in Cuba long enough to assimilate culturally and speak Spanish. These falsified documents provided a way to move enslaved people

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<sup>162</sup> Rep. No. 753, 12.

<sup>163</sup> Diario de La Habana, “martes, 1ero de enero de 1839.”

<sup>164</sup> Zaragoza-De León, 2017.

on Cuban soil. After the *Amistad* Spaniards obtained the fraudulent *Licencias*, the Mende Africans were forced onto the schooner *La Amistad*, bound for Puerto Príncipe, an Eastern-Cuban seaport. But proving that the documents were fraudulent represented a daunting task in this case.

According to the *Real Academia Española* Dictionary, a *licencia* is “a document that allows someone to do something or a document that consists of a license.”<sup>165</sup> While it is appropriate to translate *licencia* as “license” or “permit,” *Amistad*-related documents opted for “permit” at times, or “passport,” many other times, depending on who was its bearer. Richard Robert Madden’s testimony in court referred to these documents as “*traspasos*,” or a ‘transfer’ from one place to another, according to the *Real Academia Española*. Yet the term *traspaso* did not become part of the linguistic heritage in the local Cuban dictionary *Diccionario Provincial, casi razonado, de Voces y Frases Cubanas, por el autor Hon. de Marina, D. Estaban Pichardo, of 1836*. The term appears to have been adopted only internally in Cuba.

During the time in question, issuance of *Licencias* and passports by Spanish governmental authorities was customary. Spanish passports, in the early nineteenth century, served as a type of licensing document that allowed foreigners and nationals to travel within a province, its ports, or outside the state. Originally, issuance was delegated to city mayors, and later to other government officials as *el jefe provincial* (chief of the province), according to “*El documento destacado*.”<sup>166</sup> The 1817 *Academia Usual* dictionary defines “*pasaporte*” as “*licencia ó despacho por escrito que se da para poder pasar libre y seguramente de un reino á otro, ó de una á otra parte*”<sup>167</sup> (a license or written

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<sup>165</sup> <http://dle.rae.es/?id=NG6NB42>. Translation by this author from the original provided in this website.

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[http://www.juntadeandalucia.es/cultura/archivos\\_html/sites/default/contenidos/archivos/ahpcadiz/documentos/DM1115.pdf](http://www.juntadeandalucia.es/cultura/archivos_html/sites/default/contenidos/archivos/ahpcadiz/documentos/DM1115.pdf)

<sup>167</sup> “*Pasaporte*.” <http://web.frl.es/ntllet/SrvltGUILoginNtlletPub>

document granting authorization to travel from one kingdom to another, or from one place to another). While this definition allows for both terms to be employed, outside and inside a territory, the different usages in the *Amistad* Case suggest other intentions.



Fig. 12<sup>168</sup>

Although malleable procedures were established by local colonial provinces—such as Cuba—it is interesting to note that during the studied period, distinct documents identified as “passports” did circulate in Spain for internal as well as international travel (See Fig. 12). *Licencias* in nineteenth-century Cuba were required permits carried when traveling internally. Perhaps, these became “local passports” in faraway lands.

<sup>168</sup> Ibid.

*Licencias* consisted of a two-page license sealed with red wax. These types of permits measured roughly 8 by 6 inches (Refer to Figs. 15 & 16), while passports issued on the mainland were twice that size, as shown above. The header on the *Licencias* designated space for the date and the name of the city that was granting the documentation and permission to travel. The bottom was reserved for signatures and duties to be paid (“2 reales”).<sup>169</sup> The back stated the traveling vessel, in this case the “*Goleta Amistad*” (The Schooner Amistad), the destination port, date, and authorizing signature. The front of the second page,— signed by Ezpeleta, Governor of the island of Cuba—included the city of issuance, date, tariffs, and authorization to proceed to destination.

The left cropped section, “*Filiación*” (personal data), recorded the main physical features of the holder, presumably height, age, color—probably skin color—, eyes, nose, mouth, hair, eyebrows, and beard. Passports, in lieu of pictures, contained a similar section. Nonetheless, neither of the four *Licencias* contained the above details. The center section included “*Concedo licencia á*” [*sic*], “I grant permission to”—the translation used by the official translation in case files—possibly also translated as “I grant license to.” In addition, the form of transportation and destination were indicated in this center section. This section concerns the crux of the arguments in this case.

Additional comments were annotated on these evidentiary documents once they became part of court files. On the *Licencias* pertaining to the *Amistad* Africans, for identification purposes, “R.R. Madden” signed his name on the left bottom corner, “in front of counsel,” per his on-the-record testimony. Furthermore, *Licencias* were numbered— “No. 1 to No. 5, ~~No. 6~~”—for the benefit of referring to evidence in court proceedings and related correspondence. On January 7, 1840, in a letter addressed to Mr. Baldwin, and signed by Mr. Holabird, *Amistad* Case District Attorney, Mr. Ingersoll,

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<sup>169</sup> A “Real” was the Spanish coin at the time.

Clerk of Connecticut, mailed the five (5) *Licencias* contended in the Amistad case—“List of papers sent @ A Ingersall, Esq [illegible] in the Case of the US v Schooner Amistad”—No. 1—for Pedro Montes, No. 2 for the African girls, No. 3 for José Ruiz, No. 4 for the African men and boy, and No. 5 the license for the *Amistad* Schooner. (See Fig. 13). Hypothetically, it is possible that the numbering system was created for identification purposes in court and/or for this memo. For the purposes of this section, we will concentrate on the translation and ideological issues displayed in the first four, images of which follow.

List of papers sent C. A. Ingersoll Esq Clerk in the  
Case of the U.S. v Schooner Amistad

- No 1. Pedro Montes passport from Principe to Havana
- No 2 do do permit from Havana to Principe
- No 3 Jose Ruiz passport from Principe to Havana
- No 4 do do permit from Havana to Principe
- No 5. Ramon Fines License for Schooner Amistad
- No 6.

I suppose I had the deposition of Prince & another  
taken in N. York, but I do not find it perhaps  
you have

I send you under two envelopes the above named  
papers.

Yours &c

M. S. Holabird

Minchster 28 Jan 1840

C. A. Ingersoll Esq

Clerk of Circuit Court

Fig. 13<sup>170</sup>

<sup>170</sup> "Lewis to Tappan," The Baldwin Family Papers, Yale University (Sterling).



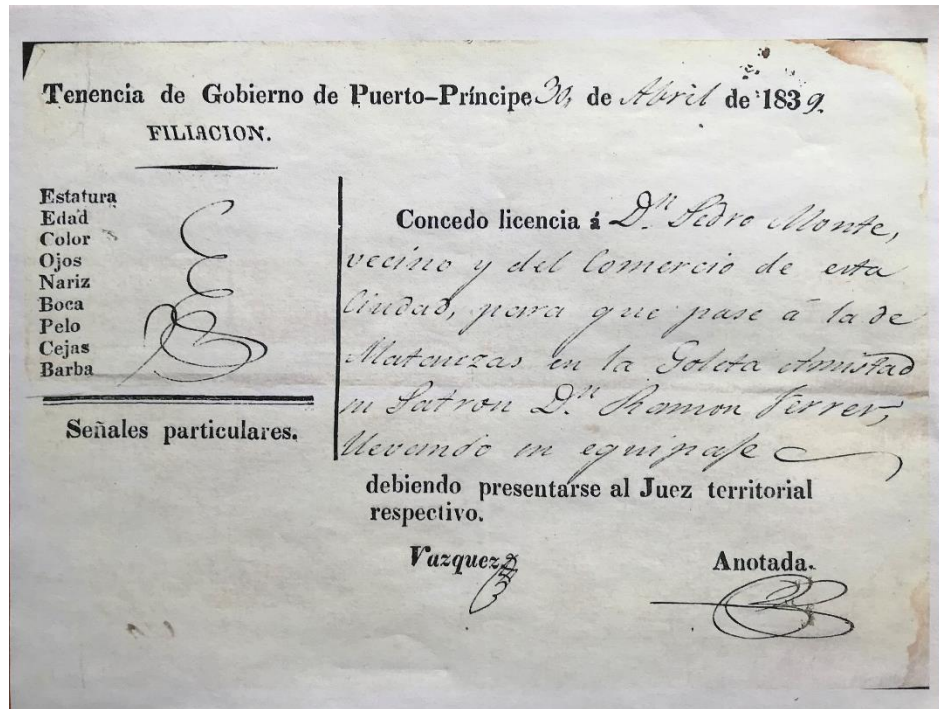


Fig. 14<sup>171</sup>

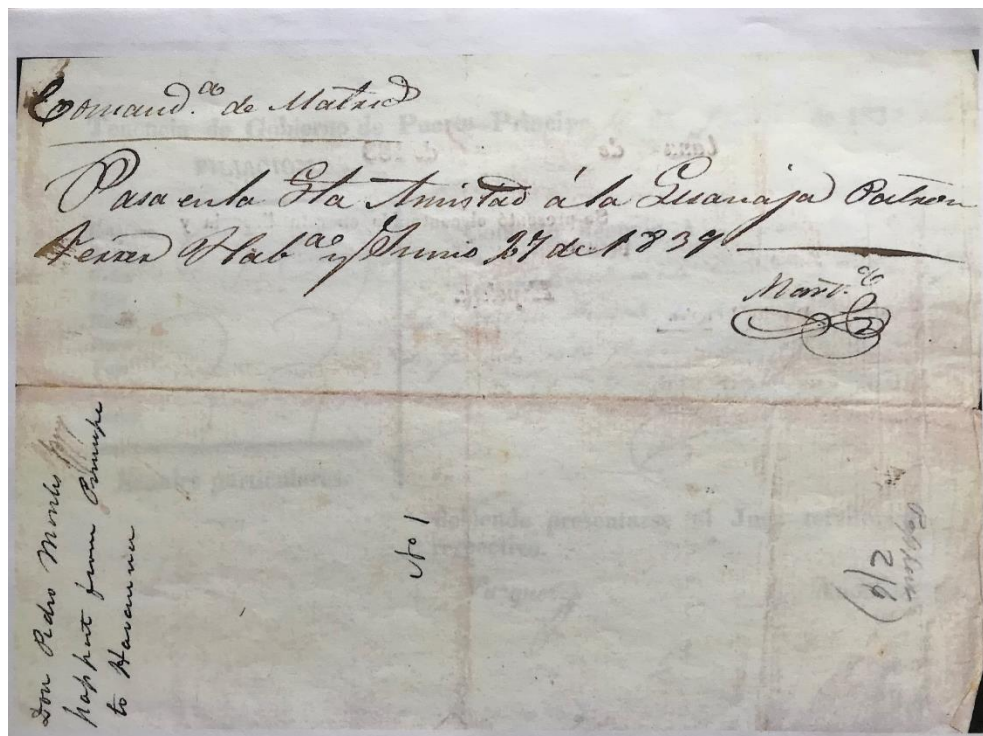


Fig. 15<sup>172</sup>

<sup>171</sup> Licencia of Don Pedro Monte [sic] (front).

<sup>172</sup> Licencia of Don Pedro Monte [sic] (back).

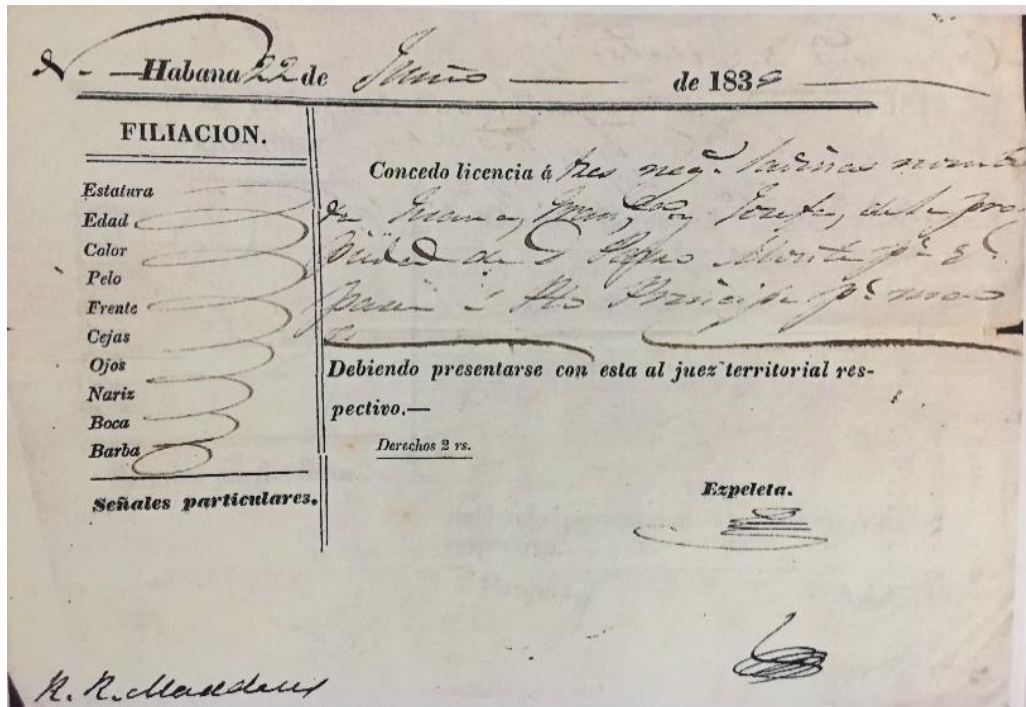


Fig. 16<sup>173</sup>

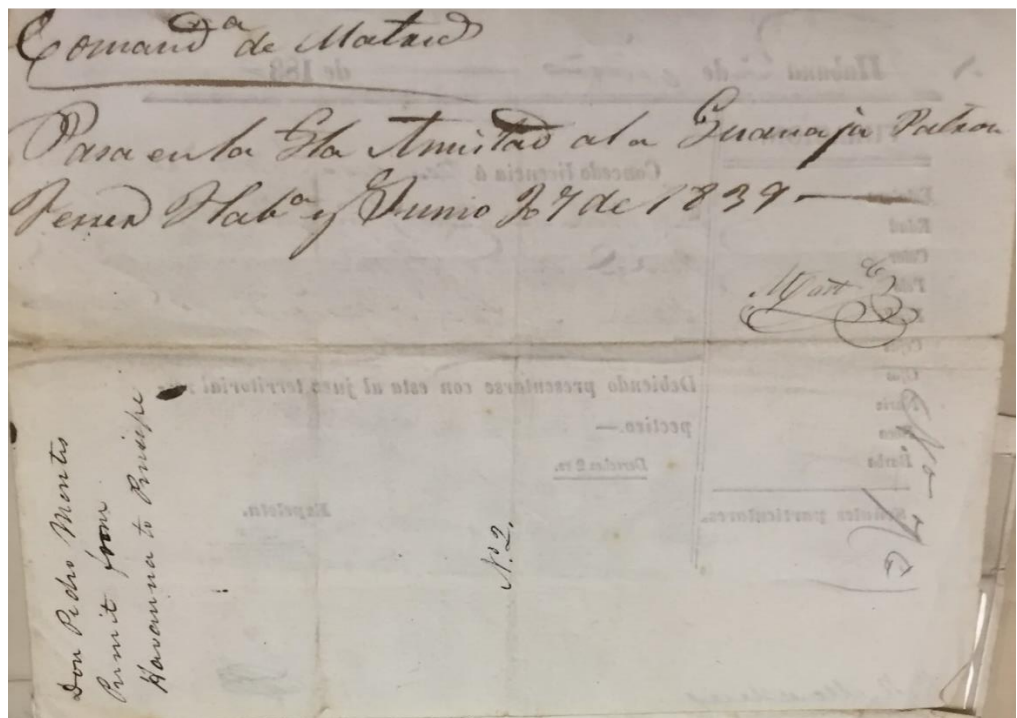


Fig. 17<sup>174</sup>

<sup>173</sup> Licencia for the Three Amistad Girls (front).

<sup>174</sup> Licencia for the Three Amistad Girls (back).

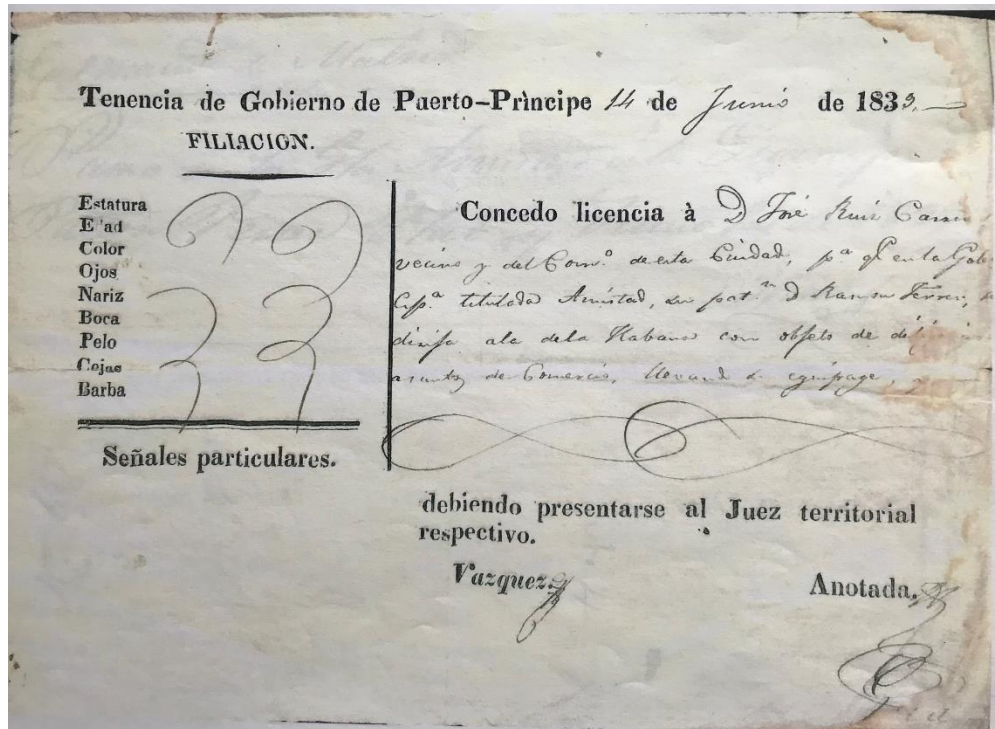


Fig. 18<sup>175</sup>

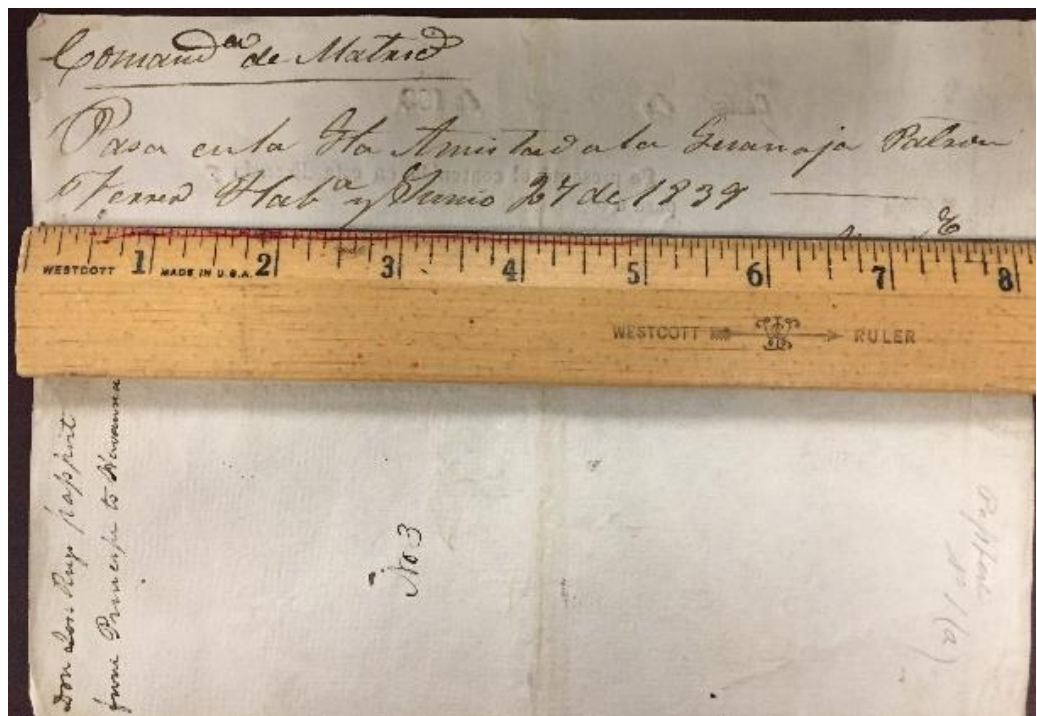


Fig. 19<sup>176</sup>

<sup>175</sup> Licencia of Don José Ruiz Carrion (front).

<sup>176</sup> Licencia of Don José Ruiz Carrion (back)

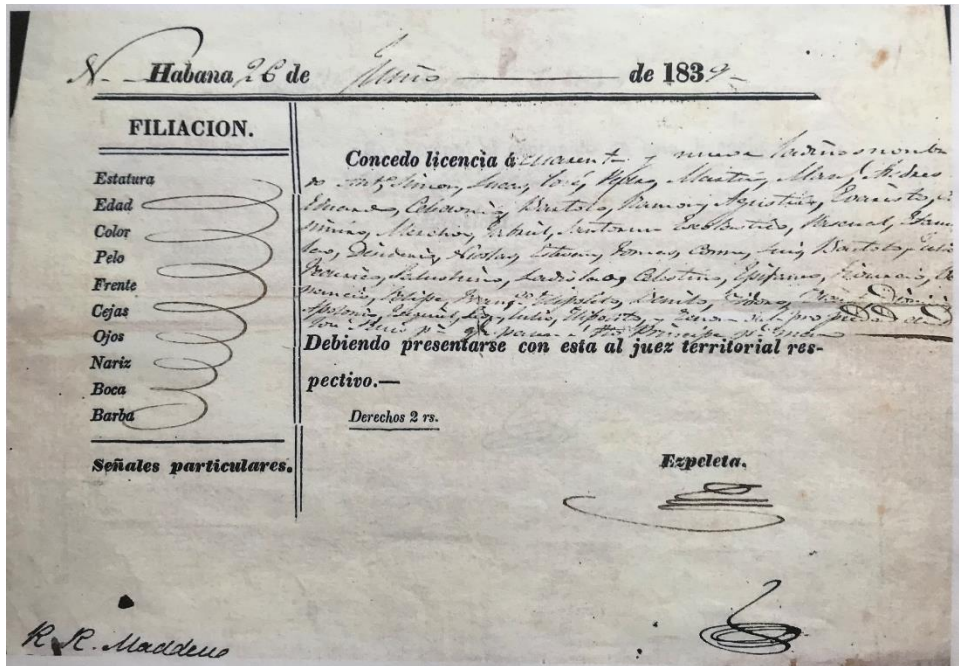


Fig. 20<sup>177</sup>

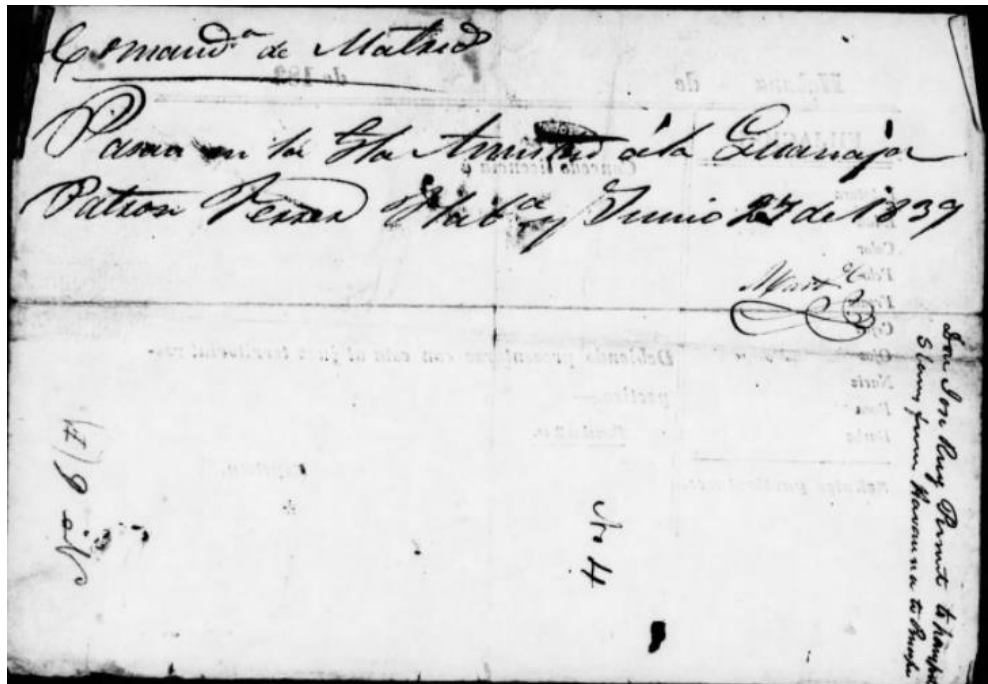


Fig. 21<sup>178</sup>

<sup>177</sup> Licencia for the Forty-Nine Amistad African Men (front).

<sup>178</sup> Licencia for the Forty-Nine Amistad African Men (back).

As we can observe, the template, layout and wording in all four documents is the same, including the word “*licencia*.” However, the same term was translated variously into English. The term “passport” was reserved, initially, for Spaniards, No. 1 and No. 3, while for the African girls (No. 4), and for the “African men and boys” (No. 2), “permit” was the preferred term. A passport, according to Black’s Law Dictionary, is “a formal document certifying a person’s identity and citizenship so that the person may travel to and from a foreign country.”<sup>179</sup> While it is clear that Ruiz and Montes were considered legitimate citizens in Cuba and Spain, it is puzzling why this term was used to allow travel from one port to another within the Caribbean island. A “permit,” on the other hand, defined as “a certificate evidencing permission; a license” was selected for African descendants in nineteenth-century Cuba who did not enjoy any of the privileges of citizens.<sup>180</sup> Similarly, the term “permission,” as in “granting permission,” pertains to “the act of permitting; a license or liberty to do something; authorization.”<sup>181</sup>

Documentary evidence presented on behalf of Montes and Ruiz was submitted as “passports.” Instead of adopting the parallel cognate, “license,” the different choice signaled the time it took to ponder about the final choice. The back of his *licencia* stated—“Don José Ruiz passport from Príncipe to Havana.” The same handwriting recorded a similar phrase for both of Montes’s *licencia*, for himself and for the girls, “Don Pedro Montes passport from Príncipe to Havana.”

How this linguistic decision was processed and made remains unknown, though the final decision depicts class and privilege raising the status of the Spaniards over the

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<sup>179</sup> Garner 2004, 1233.

<sup>180</sup> Ibid., 1255

<sup>181</sup> Ibid., 1255.

Africans in a colonial and enslaving society. In contrast, Ruiz's permit to transfer the *Amistad* male read, "Don José Ruiz Permit to transport slaves from Havanna to Príncipe." In this instance, the back of licence "No. 4" equated the term *Ladinos* to mean "slaves," favoring the plead of the *Amistad* Africans as *Bozales*. An anonymous pen sided in favor of the *Amistad* Africans, most likely a court clerk. It is unlikely that the Judge would have voiced this preference in court. Court clerks or court reporters often carry the responsibility of labeling evidence submitted in court. In this case, a "label" sided in favor of the plead of the Africans.

In addition to the original *Licencias* found in the Thomas Gedney *Amistad* case file, an official "Translation" for the African *Licencias* was also kept there. Aside from the general characteristics section, the long page records general aspects on both the front and the back. The introductory phrase of the middle section, *concedo licencia*, was translated as "I grant permission," for all *Amistad* Africans. For the African men, the term *Ladinos* remained in the translation. However, for the minors it was omitted, initially, meaning the translation read only "three black females." Someone added "*Ladinas*" on top of this phrase, perhaps as a corrective note. The last sentence on both of these main sections translate the word *licencia* as "permit."

Translation } Havana June 22<sup>nd</sup> 1839

I grant permission to carry three black females  
 named Juana, Francisca and Josefa, property of  
 D. Pedro Monte, to Puerto Principe by sea—  
 They must present themselves to the respective  
 territorial judge with this permit.

Duty 2 reals

Endorsed) Commander of Matriz.  
 Let pass in the Schooner Amistad to Guanaja, Veraguas  
 Master, - Havana, June 27<sup>th</sup> 1839

Havana June 26<sup>th</sup> 1839

I grant permission to carry forty nine black  
 Ladinos named Antonio, Simon, Lucas, Jose,  
 Pedro, Martin, Manuel, Andres, Eduardo, Celestino,  
 Bartolo, Ramon, Agustin, Evaristo, Casimiro,  
 Merced, Gabriel, Antonino, Escolastico,  
 Pascual, Stanislas, Desiderio, Nicolas, Estevan,  
 Tomas, Cosme, Luis, Bartolo, Julian, Federico,  
 Saturnino, Ladislao, Celestino, Epifanio, Pro-  
 nacio, Venancio, Felipe, Francisco, Hipolito, Benito,  
 Pedro, Vicente, Dionisio, Apolino, Esquivel, Leon  
 Julio, Hipolito y Remon, property of D. Jose  
 Ruiz, to Puerto Principe by sea.  
 They must present themselves with  
 this permit to the respective territorial

Fig. 22<sup>182</sup>

Found in the “Thomas Gedney vs the Amistad file,” these evidentiary documents migrated from one file to another, and finally lodged in the case heard in this political-

<sup>182</sup> “Translation of Licencia in Court Files,” Thomas Gedney v. The Amistad Case.

judicial saga in 1843. The English translation in these official records offered a less inflammatory version than the one published by outside governmental sources as in the case for Congress in Doc. 185 discussed in this section.

## **Chapter 2. Translation issues from Connecticut to Congress, from the Judicial to the Executive Branch**

After the favorable verdict of Judge Judson on behalf of the Amistad defendants, the House of Representatives passed a resolution presented to the floor by John Quincy Adams on March 23rd of 1840 “requesting the President to communicate to that House [...] any demand made by the minister or other diplomatic’ representative, of belonging to, the vessel called the *Amistad*; and of all correspondence between this Government and the said minister or diplomatic representative,” which yielded a seventy-six-page long pamphlet for the 26th Congress, 1st Session, for the House of Representatives, Executive, known as “Doc. No. 185” (See Fig. 24). It is comprised of thirty-seven documents plus translations, enclosures, and/or memoranda (See Fig. 25), fifteen of which are diplomatic letters between Spain and the USA, and their respective Spanish or English translations, plus all *Licencias* and their translations.



AFRICANS TAKEN IN THE AMISTAD.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*The information required by the resolution of the House of Representatives of the 23d ultimo, in relation to the Africans taken in the vessel called the Amistad, &c.*

APRIL 15, 1840.

Read, and laid upon the table.

*To the House of Representatives:*

I communicate to the House of Representatives a report from the Secretary of State, with documents containing the information called for by their resolution of the 23d instant.

M. VAN BUREN.

WASHINGTON, March 31, 1840.

DEPARTMENT OF STATE,  
Washington, March 31, 1840.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 23d instant, requesting the President to communicate to that House, "if not incompatible with the public interest, copies of any demand made by the minister or other diplomatic representative of Spain in this country, of the surrender to him of the Africans taken in, or belonging to, the vessel called the *Amistad*; and of all correspondence between this Government and the said minister or diplomatic representative, and with any other foreign Government or minister thereof, relating thereto; also, copies of all instructions from the Department of State to the district attorney of the United States in the judicial district of Connecticut, and all reports of the said district attorney to the said department relating to that subject;" has the honor to lay before the President copies of all the correspondence and papers on the records and files of this department relative thereto, except a recent correspondence with the Spanish minister in regard to testimony prepared to be furnished in the future investigation of the cause of the *Amistad* before the tribunals of the United States.

JOHN FORSYTH.

To the PRESIDENT.

Hair & Gove, printers.

Fig. 23<sup>183</sup>

Beginning on September 23rd, 1839, shortly after the Spaniards found resistance in the USA to regain control of their boat, cargo, and slaves, diplomatic correspondence hinted at the problems of authentication of this document. Mr. John Forsyth, USA Secretary of State at the time, wrote to Mr. Ángel Calderón de la Barca, Spanish Minister based in New York City at the time, petitioning:

Sir: In the examination of the case of the Spanish schooner "Amistad," the only evidence at present within reach of this department is that presented by the ship's papers [...] If you have any other authentic documents relating

<sup>183</sup> "Doc. No. 185," 26th Congress, 1st Session, for the House of Representatives, 1.

to the question, or evidence of facts which can be useful to a proper understanding of it, I have the honor to request, by the direction of the President, that you will communicate them to me with as little delay as practicable.<sup>184</sup>

Six days later, Mr. Calderón replied in Spanish:

*En contestación, me apresuro á manifestar a V.S. ahora que tengo tiempo para ello [...] que no hay en poder la legación de S.M., documentos algunos mas que la declaracion jurada de Montes y Ruiz; puesto que los papeles del buque, de cuya legitimidad no parece haya motivo de dudar, están en el tribunal mencionado. [Diacritical marks or lack thereof reflect the original]<sup>185</sup>*

The English version published under the heading of “[Translation],” also without an identified translator reads:

In reply, I hasten to assure you, now that I have time for that purpose...that there are not in the possession of the legation of Her Majesty any documents, besides the declaration on oath of Montes and Ruiz; inasmuch as the papers of the vessel, of the lawfulness of which there appears to be no reason for doubt, are in the court above mentioned.<sup>186</sup>

The data so far does not corroborate whether Mr. De la Barca as well as other Spanish officials were aware of the complicity of the *Licencias* with the illicit slave trade of Ruiz and Montes. Nonetheless, there was much “reason to doubt,” as the Abolitionists and others suspected, particularly after Dr. Madden’s validation in court, even prompting the Department of State to inquire further.

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<sup>184</sup> Ibid., 11.

<sup>185</sup> Ibid., 12.

<sup>186</sup> Ibid.

#### LIST OF PAPERS.

Mr. Calderon to Mr. Forsyth, 6th September, 1839, and translation.  
Mr. Forsyth to Mr. Calderon, 16th September, 1839.  
Mr. Calderon to Mr. Forsyth, 17th September, 1839, and translation.  
Mr. Forsyth to Mr. Calderon, 23d September, 1839.  
Mr. Calderon to Mr. Forsyth, 29th September, 1839, and translation.  
Chevalier de Argaiz to Mr. Forsyth, 3d October, 1839, and translation.  
Mr. Forsyth to Chevalier de Argaiz, 24th October, 1839.  
Chevalier de Argaiz to Mr. Forsyth, 5th November, 1839, and translation.  
Acting Secretary of State to Chevalier de Argaiz, 22d November, 1839.  
Chevalier de Argaiz to Mr. Forsyth, 26th November, 1839, and translation.  
Chevalier de Argaiz to Mr. Forsyth, 29th November, 1839, and translation.  
Mr. Forsyth to Chevalier de Argaiz, 12th December, 1839.  
Chevalier de Argaiz to Mr. Forsyth, 25th December, 1839, and translation.  
Chevalier de Argaiz to Mr. Forsyth, 30th December, 1839, and translation.  
Mr. Forsyth to Chevalier de Argaiz, 6th January, 1840.  
Mr. Holabird to Mr. Forsyth, 5th September, 1839.  
Mr. Holabird to Mr. Forsyth, 9th September, 1839.  
Mr. Forsyth to Mr. Holabird, 11th September, 1839.  
Mr. Holabird to Mr. Forsyth, 21st September, 1839.  
Mr. Forsyth to Mr. Holabird, 23d September, 1839.  
Mr. Holabird to Mr. Forsyth, 13th October, 1839.  
Mr. Holabird to Mr. Forsyth, 5th November, 1839, enclosures and translation.  
Mr. Holabird to Mr. Forsyth, 14th November, 1839.  
Acting Secretary to Mr. Holabird, 15th November, 1839.  
Mr. Forsyth to Mr. Holabird, 6th January, 1840 : extracts.  
Mr. Holabird to Mr. Forsyth, 11th January, 1840 : extracts.  
Mr. Forsyth to Mr. Holabird, 12th January, 1840 : extracts.  
Mr. Forsyth to Mr. Holabird, 17th January, 1840.  
Opinion of the Attorney General.  
Messrs. Staples and Sedgwick to the President, 13th September, 1839.  
Mr. Forsyth to Mr. Butler, 24th October, 1839.  
Mr. Butler to Mr. Forsyth, 29th October, 1839, and enclosures.  
Mr. Forsyth to Mr. Butler, 9th November, 1839.  
Mr. Butler to Mr. Forsyth, 15th November, 1839.  
Department of State to Navy Department, 2d January, 1840 : memorandum.  
Mr. Paulding to Mr. Forsyth, 3d January, 1840.  
Mr. Forsyth to Mr. Paulding, 7th January, 1840, and enclosure.

Fig. 24<sup>187</sup>

On September 23rd of the same year, Mr. Forsyth, Secretary of State, wrote to Mr. Holabird, U.S. District Attorney for the Connecticut District, requesting “the ship’s papers” in order for the President of the USA to arrive at a “just decision.” Furnishing the papers represented a challenge for the State Department. On Oct 13th, Mr. W. S. Holabird reports in his response letter, “I have used every reasonable endeavor to possess myself of the papers of said schooner, without yet being able to obtain them, they having been retained by José Ruiz...the facts regarding the matter were not as fully disclosed at the court of inquiry as they afterwards were before the grand jury, at the circuit court.”<sup>188</sup> The court of inquiry referred to the court proceeding after the September proceedings. It is unclear why these material documents in the case were not surrendered to the court early

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<sup>187</sup> Ibid., 2.

<sup>188</sup> Ibid., 41.

in the judicial process. Eventually they were, and they still remain in the case records at *Amistad* Case Files at the National Archives in Boston, in Waltham, MA—that is the original *Licencias*, some transcribed copies, some of the diplomatic letters, and two translations of the *Licencias* for the *Amistad* Africans—without identifiable translators as authors.

Nonetheless, it was not until November 5th, 1839 that Mr. Holabird was able to comply with the request made by the Department of State, with the “*Copia de los papeles encontrados a bordo de la Amistad*” (Copy of the documents found on board the *Amistad*), pp. 42-53 of same Congressional document, “*Africans taken in the Amistad: Congressional Document: containing, the Correspondence, &c.: in relation to the Captured Africans*” (Refer to Fig. 26). There were eight documents in total: four *licencias*—for Don José Ruiz Carrios, Don Pedro Montes, the “*cuarenta y nueve negros Ladinos,*” and “*tres Negras Ladinas*”—two protections—for Celestino Ferrer and Jacinto Verdagne—the ship’s registration, and the custom permit for the shipping of goods.

However, what caused the greatest commotion amongst the anti-slavery and Abolitionist movement, prompting them to print their own annotated and abbreviated version of the congressional document, was the translation of the phrases “*cuarenta y nueve negros Ladinos,*” and “*tres Negras Ladinas*” contained therein (See Figs. 17 & 21). These evidentiary folios disclose the colonial and enslaving enmeshment of the nineteenth-century political systems of the USA and Spain. Manipulating translation strategies of addition and omission, plus arguments in favor or against these translations, regarding terms, *Licencias*, and *Ladinos/Ladinas*, established clear lines of support for either pro-slavery or anti-slavery positions.

26th CONGRESS,  
1st Session.

Doc. No. 185.  
[REPRINT.]

HO. OF REPS.  
EXECUTIVE.

1

AFRICANS TAKEN IN THE AMISTAD.  
**W. W. Patton.**

CONGRESSIONAL DOCUMENT,

CONTAINING

THE CORRESPONDENCE, &c.,

IN RELATION TO THE

CAPTURED AFRICANS.

NEW YORK :

FOR SALE AT THE ANTI-SLAVERY DEPOSITORY,

No. 131 NASSAU STREET, (CLINTON HALL.)

Price 12½ cents.

1840.

Fig. 25<sup>189</sup>

<sup>189</sup> "Africans taken in the Amistad: Congressional Document: containing, the Correspondence, &c.: in relation to the Captured Africans," (New York: Anti-Slavery Depository, 1840), 1. Version of "Doc. No. 185" by the Amistad Abolitionists.

The one-page introduction addressed “to the people of the United States” explained the reason for reprinting:

For the use of Members of Congress and their constituents, omitting only some of the ship papers, and the originals of letters of which the translations were published in the original document, with explanatory and critical notes, &c. Otherwise, it is an exact copy of the document printed by order of the House of Representatives.<sup>190</sup>

Twenty-eight pages make up for the total printed in contrast to the seventy-six -page original congressional document. The outrage of the Anti-slavery movement surpassed translation discrepancies raised by the choice of words in the center section of the *Licencias*. Abolitionists seem to be astounded at the collusion between the three governmental branches, the judicial, legislative and executive, against the rights of those seeking justice, and the fact that they seemed to be protecting the interest of the Spaniards and responding to the claims of the Spanish diplomats in their communication on behalf of their own citizens. The editor expounded:

The attention of the free people of this country is invited to the contents of this public document, and they will not fail to notice with astonishment the attempt of the executive to interfere with the regular administration of justice. The Government of a free people should protect defenceless strangers thrown, by the providence of God after a successful struggle for liberty, upon their shores, and not give them up to foreign claimants unless imperiously required to do it by treaty. But in this instance, it will appear that instead of interposing the national Aegis to shield the weak and oppressed, our government has lent all the aid and facilities, at its command to have them placed in the hands of the Spaniards with certain knowledge that many of them would be put to death! [All emphasis in original]<sup>191</sup>

This abbreviated congressional version dismissed most Spanish originals, except for the *Licencias* pertaining to the *Amistad* Africans, girls, boy and men. It includes four editorial notes stating the anti-slavery ideology of the editor(s), two of these addressing translation matters. Instead of opting for the term “passports” to refer to the licencing documents of

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<sup>190</sup> Anti-Slavery Depository, “Africans taken in the Amistad,” 2.

<sup>191</sup> Ibid.

the Spaniards and “permits” for the ones for the *Amistad* Africans as selected by court notes and translations, the congressional version adopted the term ‘passport’ for both litigants. In the context of the controversy around these upcoming translations, this suggests that the translator and/or editor involved in the decision-making process wished to dissipate any further suspicions on the issues reflected by these travel documents, particularly that they reflected some kind of collusion or deliberate coordination between Spain, Cuba, and the USA. Perhaps, the translator/editor preferred not to draw attention to the translation of the term “*licencias*” given the blunt manipulative techniques of the substitute phrases for *Ladinos/Ladinas*.

The first matter to which the abolitionists took offense was with the translation of the licence for the African girls. The abbreviation “Neg.~”, meaning “Negras” (black females), described the noun “*Ladinas*” (Refer to Figs. 17 & 18). The unknown translator omitted the term “*Ladinas*” and added the term “sound” to mean, instead, “sound women.” Ample court documents and witness testimonies, including *habeas corpus*, attested to the fact that they were not women, but girls, between the ages of seven and eleven.<sup>192</sup> In another attempt to prove that the *Amistad*-Africans had arrived in Cuba before the abolition of the Spanish transatlantic slave trade, the English-patriarchal translations sought to deny the girls’ actual age and identity. The translation imposed adulthood on a truncated childhood caused by the slave trade. Inclusion of the term “sound” seems to attempt to manipulate in writing the visual reality of the *Amistad* girls.

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<sup>192</sup> According to Benjamin N. Lawrance, the 1830s fell within the high point for the child enslaving period from Africa, “indeed, by the 1830s, boy children between the age of eight and twelve years were among the ‘most favorite cargoes.’” Girls featured less prominently in slave cargoes than boys, possibly because their acquirers in Africa valued their potential as bearers of children and did not sell them to Europeans” (Lawrance 2014, 35).

The middle section of the two *Licencias* encompasses the disputed terms. The first one is on behalf of three African girls with false given names:

*“Concedo licencia á tres neg.~ Ladinás nombradas Juana, Francisca, y Josefa, de la propiedad de Don Pedro Montes, para que pasen á Puerto Príncipe por mar, debiendo presentarse con esta al juez territorial respectivo”* (US v Amistad Case).

(I grant license to three-Black *Ladinás* named, Juana, Francisca, and Josefa, property of Mr. Pedro Montes, so that they go to Puerto Príncipe by sea. They must appear before the appropriate administrative regional judge.)

Similarly, the English translation for the African men’s *Licencias*, containing forty-nine falsified Spanish names, also applied the term “sound negroes.” Yet the original Spanish *licencia* read “*cuarenta y cinco Ladinos*,” “forty-five “*Ladinos*,” not including the words “negroes,” or “sound” (Refer to Figs. 21 & 22). The translation added “sound negroes,” eliminating “*Ladino*” from the official translation for a final product of “forty-five sound negroes.” The translation process and precise intention behind this phrase remains unclear. Was the translator intentionally biased, or genuinely limited by research tools or time constraints? Based on the historical background presented, I propose instead that “sound negroes” represented another way in which the Spanish colonial ideology colluded with USA racist ideology. The term “negroes” was commonly utilized, pejoratively, in the USA context to refer to descendants of Africans forced to migrate from native lands;<sup>193</sup> incorporated into the translation, it attempted to evoke similarities between the Mende Africans via Cuban soil and descendants of African in the USA context. On the other hand, the choice of the word “sound” sought to dissipate any doubt or notion of illegitimacy of their origin, and the editor opposed to slavery did not hesitate to express his outrage at this manipulation strategy (See Fig. 27).

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<sup>193</sup> Later African descendants appropriated this term in their discourse, possibly as a direct result of internalized oppression.



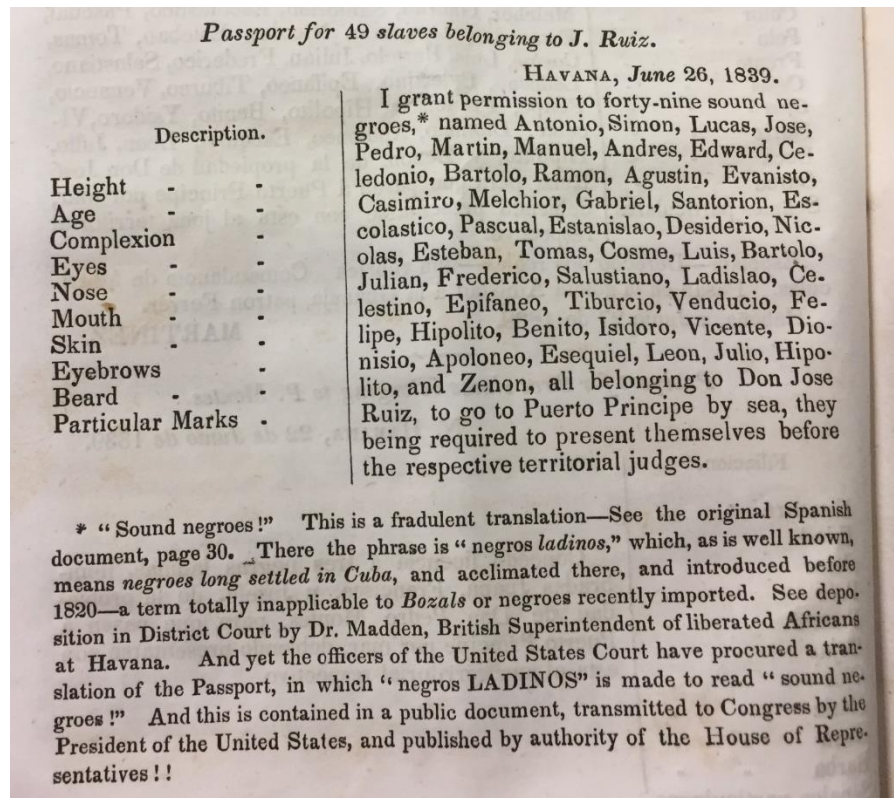


Fig. 26<sup>194</sup>

Anti-slavery advocates who joined the efforts by Christian Abolitionists were apprised of the political motivations behind word choices. "*Ladino*" and "*Bozal (es)*" represented such critical terms in this case that the official court translations completely deleted both, substituting for them the term "sound negroes," a futile attempt to dissuade doubt about the original transaction. "*Negras Ladinias*" and "sound negroes" may have conveyed legitimization to slavery-supporting readers that nothing was amiss. Translation additions and omissions choices echoed faithfulness to conceal the real stories of the fifty-two African girls and men on board the *Amistad*. Abolitionists maintained that the Mende Africans introduced in Cuba after 1820 had additional legal protection under international agreements to bear arms for their freedom, and, disrespectful as it was, "*Bozales*" more accurately portrayed their condition and right to employ this right. Therefore, any other term or translation was deemed to be deliberately misleading. In the *Amistad* Case, the

<sup>194</sup> Doc. No. 185, 30.

litigation team successfully questioned the validity of both original and translation versions as presented by pro-slavery proponents, hence proving that the Africans had entered Cuba after 1820. Christian Abolitionists and Mende Africans won the original complaint, and later, the Supreme Court appeal, by unveiling the hidden realities behind the fraudulent documents and unfaithful translations filed in court by the opposing party.

Therefore, the translator, unidentifiable by name throughout the examined primary sources, engaged in due-diligence research to transfer meaning adequately from one cultural context to another. However, it is also plausible that the linguistic mediator joined forces with the Spaniards to legitimize their allegations that the Mende Africans entered Cuba before 1820, hence the Spaniards' right to their ownership. The editor responds to questionable issues of fidelity as manifested in manipulative translation techniques employed by unnamed translators. For example, the terms *Ladinas/nos* and *Bozales* were at the heart of the translation issues. The *Diccionario de Voces Cubanas*, a 1836 Cuban dictionary defines *Ladino* as:

*“Ladino, na—El Negro ú negra africanos, que ya está bastante instruido, esperto ú civilizado, y habla ó entiende suficientemente el castellano.”*<sup>195</sup>

(Ladino, na—The African Black that has been well instructed, expert and civilized, and speaks and understand Spanish sufficiently.)

By contrast, someone who does not speak and understand Spanish sufficiently well was discriminately called a “*Bozal*.” Amistad historian, Howard Jones explains:

Spanish law referred to those slaves who had lived on the island long enough to be Spanish subject and to speak the Spanish language as *Ladinos*. Blacks brought illegally unto the island as slaves were *bosales*

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<sup>195</sup> Pichardo 1836, 152.

[sic]<sup>196</sup> for they have never been domiciled and where unable to speak Spanish.<sup>197</sup>

Furthermore, *Bozal* meaning “muzzle” stands as a textual-corporal metaphor of enslaved Africans not being valued except as property in a colonizing society. In the *Amistad* Case, it recalls the chaining irons of the Middle Passage, the muzzling of rebellious voices, and the silenced right to testify in their trial without a court interpreter who was also muzzled, caught among anti-slavery, pro-slavery, and racist ideologies.

But other friends of the *Amistad* Africans objected to the translation choices in the Congressional document. The December 1840 edition of ‘The American and Foreign A. S. Reporter, Extra., published “Documents relating to the Africans taken in the *Amistad*.” Except for the opening letter addressed to Lewis Tappan, Esq., from Jurist William Jay, 1808 Yale graduate, the other printed documents seem to have been taken from the same official Doc. No. 185 published for the 26th Congress, 1st Session, dated April 15th of 1840. Judge Jay dedicated close to half of the content of his editorial letter to elaborate on the problems of the translations, specifically of the Spanish *Licencias*. Accompanied by an enclosed check in support of the *Amistad* committee, the Jurist summarizes the story and judicial matters of the case, following the affirmative decision of Judge Judson on behalf of the *Amistad* Africans on the January 7th, 1840 trial, and subsequently appealed by the federal prosecutor to the Supreme Court of the USA. Regarding the *Licencias* and the decision of the District Attorney for the Federal Government, Jay indicated:

The court decided that the Spanish papers...were false and fraudulent; that the men were *Bozals* [sic], or native Africans, illegally imported, and were not slaves; and that they should be sent back to Africa by the President, under the act of 1819.

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<sup>196</sup> Historical accounts and writings of the nineteenth and twentieth century spelled this word with an “s”; however, Spanish dictionaries from the same period spell the term with a “z.”

<sup>197</sup> Jones 1987, 21.

[...]

Having now contemplated with me, the cruelty, hypocrisy, and chicanery of the Federal Government with regard to these men, let me next ask your attention to a bold, palpable and wicked FRAUD.<sup>198</sup> [All emphasis in original]

The Spanish *Licencias* were so crucial that after Judge Judson issued his decision in the case he wrote to Mr. Baldwin, Esq., on June 24th, 1840, advising him to include them as part of the appeal brief,: “Sir, I have made some slight corrections in the finding drawn up by you, and still think it proper to incorporate in the record the two passports, which will be filled [sic] in by the clerk.”<sup>199</sup> [All emphasis in original] His decision in favor of the Africans came as a surprise given his prior biases, “the political partialities [...] and the zeal he had sometime before exhibited against the Abolitionists.”<sup>200</sup> Yet, this letter reflects his partnership with counsel for African defendants. The “passports” Judson refers to are the two *Licencias*, pertaining to the transport of the “forty-nine African males” and the ‘three Black girls’ that have been discussed on previous pages. These also comprised the same two documents that are the object of discussion in Judge Jay’s letter.

William Jay’s<sup>201</sup> exposition on the matters of the Spanish *Licencias* is comprehensive. Not only does he analyze the problematic issues in the usage of the terms *Ladinos*, *Ladinas*, and *Bozales*, he also quotes portions of Dr. Madden’s affidavit submitted as evidence in the November 1839 proceeding, for which he sailed from Cuba to the USA, expressly to testify in this case. Jay quotes Madden to support the reasons

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<sup>198</sup> “The American and Foreign Anti-Slavery Reporter,” (New York: New York, Dec. 1840), 3.

<sup>199</sup> The Baldwin Family Papers.

<sup>200</sup> “The Reporter,” Dec 1840, 4.

<sup>201</sup> William Jay was an acting judge who wrote about the Amistad Case but did not preside in these proceedings.

why a governmental document produced in Cuba would utilize the term *Ladino* instead of *Bozal*:

Africans recently introduced cannot legally be held as slaves, and are called *Bozals* [sic]. Now the Amistad negroes had been introduced only about ten days before the date of the permit. How came [sic] they then to be designated as *Ladinos* in the document? The explanation is given by Dr. Madden. ‘The object of giving the name of *Ladinos* to *Bozals* [sic], in the permit or *traspaso* [sic], is to prevent capture by British cruisers on the coast of Cuba.’”<sup>202</sup>

But Judge Jay elaborated beyond evidence presented at trials. His linguistic comments suggest his personal knowledge of Spanish and/or French. He cited extensively other linguistic sources as the basis for his opinion on the grammatical attributes of nouns and adjectives in the translations. Analyzing the treatment of the term “*Ladinos*,” he explains, “Observe that *Ladinos* is used in the permit as a substantive; as the specific name of a class of men—the translator has made it an adjective, although there is no substantive which it qualifies.”<sup>203</sup> His arguments demonstrate his tacit knowledge of grammatical Spanish issues and of the translation process of research and analysis. In this exposition on the two terms and their meaning, he quotes the definitions of the terms “*Ladino*” and “*Esclavo Ladino*” included in both Spanish dictionary of *La Real Academia Española*, as well as the French-Spanish dictionary, *Nunes y Taboada*, respectively. Right below each term, the Spanish is inserted followed by the Latin equivalent, plus an English translation of the term. He comments, “we thus find that the original meaning of the term, is one who speaks a foreign language.”<sup>204</sup> Furthermore, he focuses on the different translation of a phrase contained in both *Licencias*, namely, “*de la propiedad de*” (literal translation—of the property of) that was translated as “belonging

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<sup>202</sup> Ibid.

<sup>203</sup> Ibid., 4.

<sup>204</sup> Ibid.

to,” per same Congressional document. He explains, “the expression ‘all belonging to’ constituted, in the opinion of our government lawyers, such irrefragible evidence of title, as in a case of a life and death, to be beyond all investigation!”<sup>205</sup> His perspectives reinforce the notion that the Africans could not “belong” to the Spaniards as a result of their illicit trading and the right for self-defense exercised by the Africans.

In addition, Judge William Jay also objected to the translation of the term *Ladinos*, or “sound negroes,” in said official USA Congressional document as was duly elaborated in the annotated version of this document by the Anti-Slavery Depository. He was not shy about voicing his direct opposition to the employment of this term, “this is redendered in the official translation submitted to Congress, “I grant permission to forty-nine SOUND NEGROES” [...]. Thus a passport for Africans imported prior to 1820, is, by State necromancy, converted into a bill of health for forthy-nine negroes [...] Now, is this translation a blunder or a fraud?”<sup>206</sup> [All emphasis in original] Concerning the utilization of the word “negroes,” he commented, “this interpolation of negros [sic], if accidental, is certainly no less convenient than extrarodinary, since it renders the translation, at least, grammatical, by furnishing a substantive to which the adjective ‘sound’ may apply.”<sup>207</sup> To date, identifiable translators of primary sources have not been found. In his letter presented before Congress regarding those responsible for translating the *Licencias* from Spanish into English, Judge Jay asserted:

The documents from which I have quoted, were laid before Congress by the President, in March last. On such occasions, it is usual to give *foreign* documents in their own language, *verbatim* with English translations. These last, it is understood, are made in the Department of State. Among the documents submitted, are the Amistad papers in Spanish, with translations. They include two permits, granted at Havana, for the transportation of the

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<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

slaves belonging to Montes and Ruiz [...] From the Havana fraud, let us turn to an extraordinary falsification of papers, perpetrated, probably, in the department of State.”<sup>208</sup>

Presently, the Department of State is responsible for translating many official documents for the government. In fact, they have their own translation and interpreting certification process required for those working with them. Though I am uncertain of the process established back in the nineteenth century, it is interesting that his opinion suggests that the Department of State had a similar protocol as today, being in charge of translating diplomatic correspondence or other documents submitted or required by the Secretary of State, including the Congressional document in question. In contrast, one can conclude that the copy found in case files was produced by either the Department of Justice via the district attorney’s office, or proffered by the legal representatives of the *Amistad* Africans. With regard to ‘Doc. No. 185,’ it is not clear whether the translator or editor was granted the opportunity to see and review both original *Licencias* or the official translations. Treading cautiously on the subject of translation authorship, and perplexed by the discrepancies with the originals and the realities masqueraded behind the text, Judge Jay pondered, “But how came the translator to suppose, that *Ladinos* was the Spanish for sound or healthy? Did the dictionaries mislead him?”<sup>209</sup> Usage of the word “sound” is a sign of textual manipulation, a (mis)translation strategy.

Manipulations in translations have been the focus of study of scholars from the School of Manipulation. Their scholarship has identified the forces and ideological tendencies twisting the source meaning of literature and contorting the resulting translation. Both individuals and institutions can use such translation tactics to sustain cultural and ideological principles, often under “patronage.” Patronage, according to

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<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

Lefevre, refers to the lack of leverage of a translator in publishing her/his translations when commissioned by individuals in authority or by powerful institutions.<sup>210</sup> Quincy Adams suspected that the manipulation of the term “*Ladinos*” happened under the patronage of the US Department of State for the consumption of another patron, the USA Congress. Lefevre points out the cultural role of these translation strategies: “translation can be studied as one of the strategies cultures develop to deal with what lies outside their boundaries and to maintain their own character. [It is] the kind of strategy that ultimately belongs in the real of change and survival, not in dictionaries and grammars.”<sup>211</sup> The manipulated translation of the *Licencias*, adding the word “sound” and omitting the term “*Ladinos*,” reflected the support of an enslaving USA culture during a gag period in Congress to dissuade any doubt in readers from the legislative branch.

The commotion produced by the altered translated version motivated The Hon. John Quincy Adams to “[move] an inquiry, by a select committee” to look into the possibility of a fraudulent translation, as reported in *The Liberator*, on December 18th, 1840. After being recruited as legal and political consultant by William Lloyd Loring, in the Fall of 1839, “Mr. Adams” utilized his access to the forum of Congress to advocate on behalf of the Amistad Africans. According to the article published in the Journal of Commerce reprinted in *The Liberator*, on December 18th, 1840, Adams informed Congress that “someone” had falsified public documents—the *Licencias*—during the last session of the Amistad matter. He further wanted to investigate if the omission of terms ‘*negros Ladinos*’ was based on ‘ignorance or in fraud.’ Regarding the inquiry on the matter, the journalist reported:

The translator of the State Department gave the original words, ‘*negros ladinos*,’ but, Mr. A. [John Quincy Adams] alleges that it was subsequently

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<sup>210</sup> André Lefevre, *Translation/History/Culture: a sourcebook*, (London: Routledge, 2002), 19.

<sup>211</sup> *Ibid.*, 10.



translated and rendered, 'sound negroes.' If the negroes are 'ladinos,' they were imported prior to 1820, and are slaves even under the law of nations. But Mr. Adams states that this was a fraudulent designation given them at Havana. If they are '*negroes Bozals* [sic]' they were imported since the slave trade was prohibited, and are free under the stipulations of a treaty existing between Great Britain and Spain.<sup>212</sup>

**Congress.**

The Washington correspondent of the Journal of Commerce writes as follows:

In the House, Mr. Adams raised a breeze in relation to the *Amistad* case. He accuses some one of having falsified the public, printed documents of the last session in relation to the *Amistad* matter, and he moved an inquiry, by a select committee, into the subject, with a view to ascertain whether the alleged falsifications originated in ignorance or in fraud. In the original Custom House permit, these Africans of the *Amistad* are called '*negros ladinos*.'

The translator of the State Department gave the original words, '*negros ladinos*,' but, Mr. A. alleges that it was subsequently translated and rendered, 'sound negroes.' If the negroes are '*ladinos*,' they were imported prior to 1820, and are slaves even under the law of nations. But Mr. Adams states that this was a fraudulent designation given them at Havana. If they are '*negros bozals*,' they were imported since the slave trade was prohibited, and are free under the stipulations of a treaty existing between Great Britain and Spain.

If the Supreme Court here determine the Africans to be '*negros bozals*,' they must confirm the decree of the Court below and liberate them.

Mr. Adams, no doubt, will find the facts in relation to this matter of some importance to his argument on the *Amistad* case, before the Supreme Court. The motion of Mr. A. was agreed to, *nem. dis.* He will be Chairman of the Committee, and sift matters to the bottom. The trial of the case will come on about the 15th January.

Mr. Stanley moved a reconsideration of the vote laying on the table Mr. Adams's proposition to rescind the 'gag rule,' as Mr. A. calls it. Mr. Stanley's object was to get a vote in a fuller House, and a direct vote on the motion to rescind. But the motion failed.

Fig. 27<sup>213</sup>

Mr. Adams became the Chair of the inquest committee (See Fig. 28) where he would "sift matters to the bottom." The article does not expound on who was the translator, or when and how the interview was conducted. Perhaps congressional minutes<sup>214</sup> were kept of committee hearings and meetings that may shed light on such questions, but so far, the record shows merely that both original text and the congressional

<sup>212</sup> "Congress," The Liberator, December 18<sup>th</sup>, 1840. <http://fair-use.org/the-liberator/#vol1840>.

<sup>213</sup> "Congress," The Liberator, Dec. 18, 1840.

<sup>214</sup> So far none have been found.

target texts were modified to support pro-slavery sentiments in favor of both USers<sup>215</sup> and Spaniards. The investigated matter was considered very relevant to the case, especially as Adams and Abolitionists prepared to argue the appeal before the Supreme Court on January 15th of 1841, as the article pointed out: “[Mr. Adam] will find the facts in relation to this matter of some importance to his argument on the *Amistad* case.” Once again, translation issues in the *Amistad* Case are center stage in newspapers and congressional forums.

The pressure exerted by the translation issues in these Spanish documents resulted in a more accurate translation of the licencias printed by the Supreme Court. This seventy-page document was published as part of the appeal process. The controversial phrase was translated to “three-black *Ladinos*” and “forty-nine black *Ladinos*” an English translation more “faithful” to the original Spanish.

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<sup>215</sup> In lieu of utilizing the term “American” to refer to people born and raised in the United States of America, I am proposing appropriating the term “USer.” The term “American,” widely accepted, by people from inside and outside of the USA, seems to carry imperial weight, and does not accurately describe those citizens from the USA, versus anyone from the American Continent, which includes North, Central, South, and even the Caribbean region of this continent.

<p><i>Description.</i></p> <p>Size.</p> <p>Age.</p> <p>Color.</p> <p>Hair.</p> <p>Forehead.</p> <p>Eyebrows.</p> <p>Eyes.</p> <p>Nose.</p> <p>Mouth.</p> <p>Beard.</p> <p><i>Peculiar signs.</i></p>	<p style="text-align: right;">HAVANNA, <i>June 22d</i>, 1839.</p> <p>I grant permission to carry three black ladi- noes, named Juana, Francisca, and Josefa, pro- perty of Dr. Pedro Montez, to Puerto Principa, by sea. They must present themselves to the respective territorial judge with this permit.</p> <p>Duty, 2 reals.</p> <p style="text-align: right;">ESPILITA.</p> <p>(Indorsed)    Commander of Matria.</p> <p>Let pass in the schooner Amistad, to Guanaja, Ferrer, master.    Havanna, June 27th, 1839.</p> <p style="text-align: right;">MART &amp; Co.</p>
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<p><i>Description.</i></p> <p>Size.</p> <p>Age.</p> <p>Color.</p> <p>Hair.</p> <p>Forehead.</p> <p>Eyebrows.</p> <p>Eyes.</p>	<p style="text-align: right;">HAVANNA, <i>June 26th</i>, 1839.</p> <p>I grant permission to carry forty-nine black ladinos, named Antonio, Simon, Lucas, Jose, Pedro, Martin, Manuel, Andrios Edwardo, Ce- ledernnio, Bartolo, Raman, Augustin, Evaristo, Casimero, Meratio, Gabriel, Santome, Ecclesias- tico, Pasenal, Stanislao, Desiderio, Nicolas, Es- tevan, Tomas, Cosme, Luis, Bartolo, Julian, Fe-</p>
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Fig. 28<sup>216</sup>

<sup>216</sup> "No. 42," Supreme Court of the United States, "The United States, Apellants vs. The Libellant and Claimants of the Schooner Amistad," (Date unknown), 31.

## Translations of Missives during The *Amistad* Case

Though I have not been able to find confirmation of formal translation processes or translators' authorship in these primary sources, the evidence of translation reference tools suggests that written-linguistic Spanish-English mediation was a common practice in New York City as well as in Louisiana.<sup>217</sup> On April 4th, 1840, the editor of the newspaper *Noticioso de Ambos Mundos*, reviewed a bibliographical resource for those engaged in Spanish/English translation activities entitled, "The English translator, or a practical and theoretical guide to learn how to translate from the Spanish to the English language" (See Fig. 30).

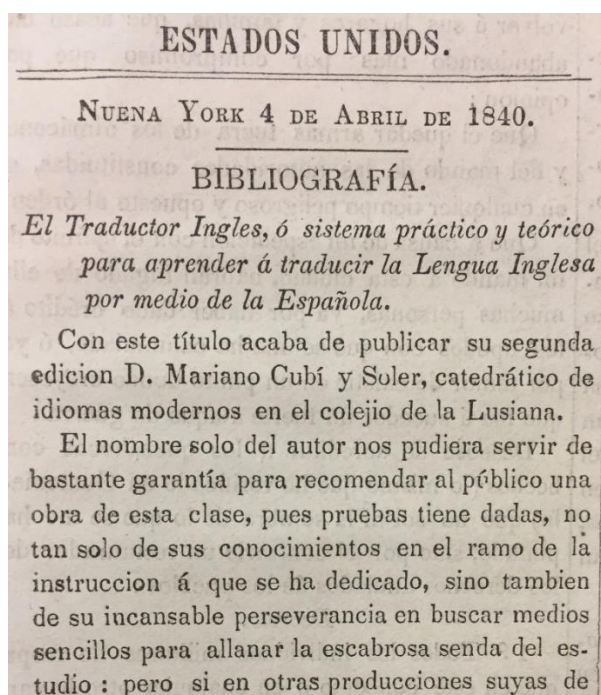


Fig. 29<sup>218</sup>

<sup>217</sup> During the nineteenth century, New Orleans became a haven for liberal creoles from Cuba who had not succeeded yet in their independent movements (Coronado 2013: 368 and 527). Travel from the Caribbean, Louisiana, and Texas seemed fluid and constant during this time, contributing to a rich Spanish language and cultural growth. Raúl Coronado further cites the work of Kirsten Silva Gruesz, who describes the multilingual literary intellectual culture during this period in New Orleans, explaining the production context of this translation resource.

<sup>218</sup> "Bibliografía," *Noticioso de Ambos Mundos*, 4 de abril de 1840.

The article continues by highlighting the benefits of this source assisting both “*al principiante*” (the beginner) and others more advanced in this linguistic task. It offers assistance with Walker’s rules for pronunciation, adverbial clauses, explanation of idiosyncracies of the English language, interlinear format to illustrate examples, presents challenges when translating difficult passages, and suggests why and how to avoid literal translations. Of which sources the translator(s) or editor(s) availed themselves to complete translations in our present quest, remains a query for another research project. Yet language pair Spanish/English translations—and interpretation as well—appear to have been easily and regularly furnished during the timeline of the *Amistad* case.

Redacted letters and published pamphlets from appalled Abolitionists charge the USA government agencies for their complicity in perpetuating the unjust incarceration of the enslaved *Amistad* Africans in connection with the translation issues present in the *Amistad* Case. An anonymous letter written on May 4th, 1840 from New Haven found in the Baldwin Family Papers at Yale University, focuses on “an important” translation error, dedicating three out of the four-page letter to this problem. The writer’s introductory paragraph establishes the intent of the letter:

I take the liberty to address you in relation to some matters connected with the case of these unfortunate men, and also to direct your attention to an important error in the translation of a Spanish document communication with other papers on this subject by the President to the House of Representatives. The original of the Spanish passports, of which a translation purports to be given is as follows.<sup>219</sup>

The author of the missive alludes to the decision of Judge Judson in the *Amistad* Case who found that “said passports do not truly describe the said persons shipped under same.” As William Jay and the Anti-slavery congressional document version protested, the unidentified writer reiterates the controversial translational issues described above with

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<sup>219</sup> “Anonymous,” The Baldwin Family Papers.

the addition of the term “sound,” and the deletion of the term “*Ladino*” in said “passports.” The anonymous writer transcribed one of the *Licencias* in the original Spanish language and cites Dr. Madden’s testimony in his distinction between “*Ladinos*” and “*Bozales*.” The writer treads carefully to avoid insulting the Attorney General who decided to authenticate the *Licencias* as presented by the Spaniards in his letter published in the Doc. No 185—“this vessel cleared out from one Spanish port to another Spanish port, with papers regularly authenticated by the proper officers at Havana.”<sup>220</sup> Again, the translation issues surfaced as pivotal in the outcome of this case, from the Jan 7th trial, 1840, via congressional reviews for the Supreme Court appeal to take place on January 15th, 1841:

In the translation alluded to, the term Ladino is rendered “sound negroes,” thus giving to the term a meaning entirely different from that which it imports in the pass’ [passport]. The Attorney General of the U.S., in his opinion, as published p. 58, probably not being aware of the diversity in the description of the property authorized to be transported, and of the men who were actually shipped seems to regard the passport signed by the colonial governor as ‘conclusive’ as to the propriety interest in the thing in question.

The same author, probably a lawyer himself, cites two cases—Case of the *Odin* and Case of the *Eugenia*—in which the court decided not to be bound by documents which were false in nature. This correspondence, along with Judge Judson’s letter to Baldwin, alerts the legal representatives in presenting the case to the Supreme Court of the USA in the appeal filed.

Other letters disclosed in newspaper articles broadcast the sentiments springing from such an ‘exciting’ case between English and Spanish interlocutors. The fervor of this case permeated newspapers ‘across the nation,’ including the Spanish newspaper, *Noticioso de Ambos Mundos*, that also noted the widespread interest in the events and

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<sup>220</sup> Ibid., 58.

matters of the “*Goleta Amistad*” (Amistad Schooner), “*vemos como era de esperarse, que con este motivo se ha suscitado una cuestion en que todos los periódicos de esta vasta república van tomando parte con el calor propio de asunto tan interesante*” (as expected, we see how this matter has elicited a response from all newspapers of this vast republic taking sides based on the inherent nature of this interesting issue).<sup>221</sup> This interest extended to articles as well as publication of letters on both sides, particularly between *el señor* Lewis Tappan and Don José Ruiz, the latter, according to this Spanish newspaper the latter, who “was our friend...and nephew of Don Saturnino Carrios” (*Noticioso*, August 31st, 1839).

One of the first letters published in newspapers, from either direction, Spanish to English or English to Spanish, or either ideological side, pro slavery to anti slavery, was “A Card” sent from Ruiz and Montes, on August 29th, the date of their arrival in New London, USA, yet only published on September 12th of 1839 in *The Emancipator*. The “card” expresses their gratitude for the “rescuing” efforts of the Navy officers from the alleged “ruthless gang of African bucaners.” The article does not specify whether it was written originally in Spanish or in English (see Fig. 32). However, it is likely that it represents a translation from Spanish, as in the case of all other printed articles. Their expressed gratitude seems to surface in response to the palpable anti-slavery sentiments perceived within the general public. Perhaps, it serves as a reminder of the USA alliance with the imperial Spanish nation, and, at the end, that her Queen will be most appreciative of all the efforts. In the next issue of the same newspaper,<sup>222</sup> two short articles strongly

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<sup>221</sup> *Noticioso de Ambos Mundos*, September 7th, 1839.

<sup>222</sup> Nineteenth-century newspapers were accustomed to republishing articles originally printed in other papers. This was often the situation with many of the articles cited in this research, as it is in with the two additional articles referenced.

criticize the “Card” from Ruiz and Montes disputing the racist ideology from which they frame their description of the Africans (see Fig. 31).

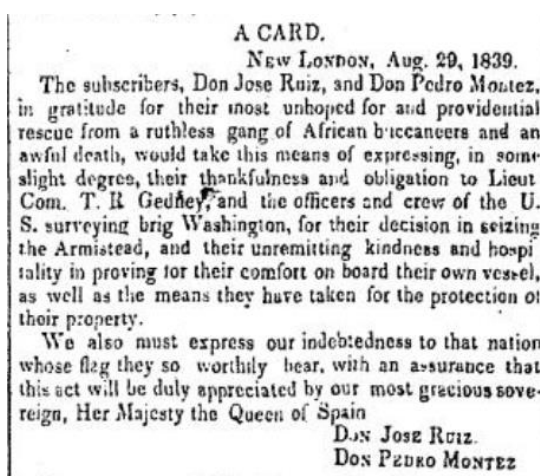


Fig. 30<sup>223</sup>

One calls the Spaniards, *los señores y los dones*,<sup>224</sup> “brutish beasts,” reverting to the racist terms used to describe people of brown skin colors, back then and even today, to those who treated the Africans less than human. Harsh and criminal descriptions of the Spaniards was common in these anti-slavery newspapers, regarding them sometimes “as villains” for their illegal enslaving activities and inhuman trafficking actions. The author, in proving the argued perspectives, ponders what would happen if the opposite had happened, if a crew of African descent had taken Whites captives. This editorial article, reprinted from the *Conneaut Gazette*, show indignant solidarity with the Africans:

Can it be possible, that as this day a man, merely because he is from Africa, has no right to the exercise of self-defense? [...] Just reverse the picture, make the crew *black* and the captives *white*. Think ye, they would be called ‘a ruthless gang of African buccaneers’? Oh! Indeed the word African has all the charm. We say again, these have committed no crime against the law of nations, the least violation of the law of God, or any act which an enlightened conscience will not fully approve. Thanks to the Providence that directed them to a northern port, were they are to be tried by a northern jury. (See Fig. 32)<sup>225</sup>

<sup>223</sup> “A card,” *The Emancipator*, September 26, 1839.

<sup>224</sup> The Meussrs and “Dons.”

<sup>225</sup> “From the Conneaut Gazette,” *The Emancipator*, September 26<sup>th</sup>, 1839.



From the *Conneaut Gazette*.

The most wonderful part of the whole matter, is the fact that Judge Judson, of the United States District Court, could see any thing in this worthy of holding these men to bail. In killing the crew or taking whatever life was necessary for the purpose of freeing themselves, was not only one of the clearest dictates of nature, but it was unquestionably in strict conformity with every human code, that is considered of binding validity here, or among nations, and in addition to this, they were most clearly justified by the most enlightened and refined rules of moral conduct. Can it be possible, that at this day a man, merely because he is from Africa, has no right to the exercise of self-defence? Must he not only be subject to his master when once rendered to servitude, but must the privilege of defending himself from his captors during the process be denied him? God forbid. This dread of southern displeasure will, if allowed to prevail, yet lead, we verily believe, to the declaration of war by this government against the African princes, if they refuse to deliver up their people to the demands of Spanish or American rapacity. —Just reverse the picture, make the crew *black* and the captives *white*. Think ye, they would be called "a ruthless gang of African buccancers"! Oh! Indeed the word *African* has all the charm. We say again, these have committed no crime against the law of nations, the least violation of the law of God, or any act which an enlightened conscience will not fully approve. Thanks to the Providence that directed them to a northern port, where they are to be tried by a *northern jury*.

Fig. 31<sup>226</sup>

But the Spaniards' side contested, vehemently, that USA courts did not represent an appropriate jurisdictional venue to judge whether Spanish subjects had violated their own laws. If Ruiz and Montes had been in violation, this matter should have been heard in the appropriate judicial forum, in Spanish territory, they said. Hence, they claimed that schooner, Africans, and all, should be immediately surrendered and be transported to Cuba. Certainly, this appears to have been the practice when ships were intercepted with African slaves and Spaniards, or other enslavers, in charge of the vessel. The Abolitionist supported the view that given that the Africans exercised their right for self-determination and freedom, the matter should be treated differently. On the other hand, the Spaniards

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<sup>226</sup> Ibid.

alleged that a crime was committed in the seas under another country's flag when Captain Ferrer was killed by those considered "property" of another. The article professes, "*probado esto, solo á tribunales españoles les corresponde juzgarlo; en ellos los negros podrán alegar causas atenuantes, y aquellos tribunales las admitirán si son admisibles; y los intérpretes que se les den serán tan legales ó mas que los que aquí han tenido*" (Once this has been proven, it is only the duty of Spanish courts to determine. In these courts the Africans will be able to present mitigating causes, and those courts will find if they are or not admissible. And the interpreters provided will be as legal or more than the ones they have been provided here).<sup>227</sup> Spaniards affirmed the competency of their courts, their fairness in hearing the pleas of the African defendants, and even asserted the 'legality' of their own interpreters.

As has been discussed thus far, the main arguments of the Abolitionists and other Anti-slavery voices resided on other aspects, such as witness testimony, differently from the Spaniards' approach to their defense, treaties, and legitimization of schooner papers. The *Noticioso* did not affirm the validity of the *Licencias*, nor did it deny the claims of their invalidity divulged in court proceedings and other forums. To this effect, the second *Amistad* article published in the same Spanish newspaper stated:

Se adelantan muchos á decir sin embargo, que los esclavos en cuestión, no lo son legalmente, por haber sido comprados en la Habana donde dicen que han sido introducidos recientemente en aquella isla en contravención de las leyes españolas. De esto repetimos, no les toca juzgar á las autoridades de este país; ningun tratado tiene esta nacion con España sobre abolicion del tráfico de esclavos, y este tráfico no es contra el derecho de jentes, y solamente es una infracción de las leyes de algunas naciones, y así solo á ellas corresponde castigar á los súbditos suyos que las hayan violado.<sup>228</sup>  
[Spelling, and diacritic accents or lack thereof per the original]

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<sup>227</sup> "Goleta Española Amistad," *Noticioso de Ambos Mundos*, 23 de noviembre de 1839.

<sup>228</sup> *Ibid.*, 7 de setiembre de 1839.

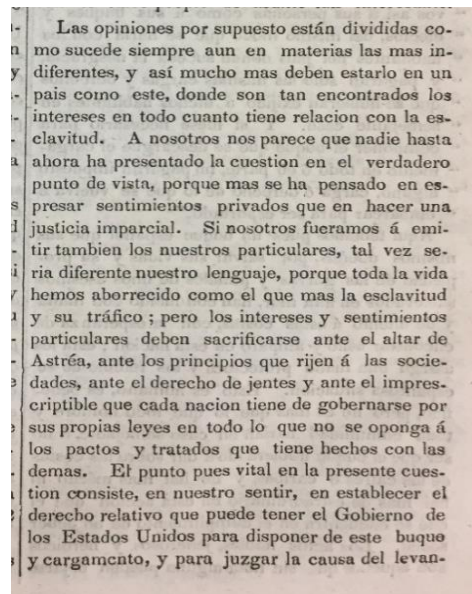
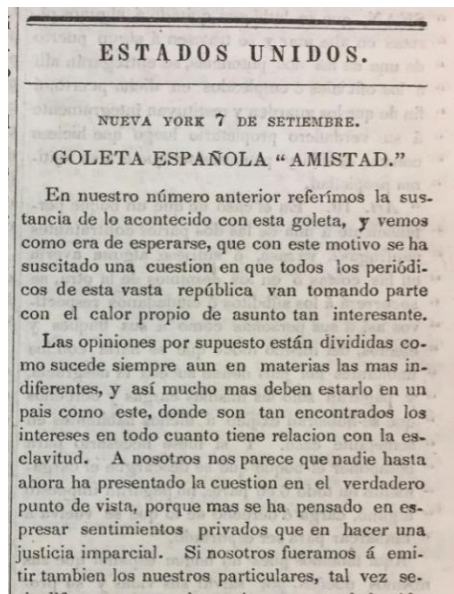


Fig. 32<sup>229</sup>

The same article translated into English was published in *The Emancipator* in the September 19th edition, see below.

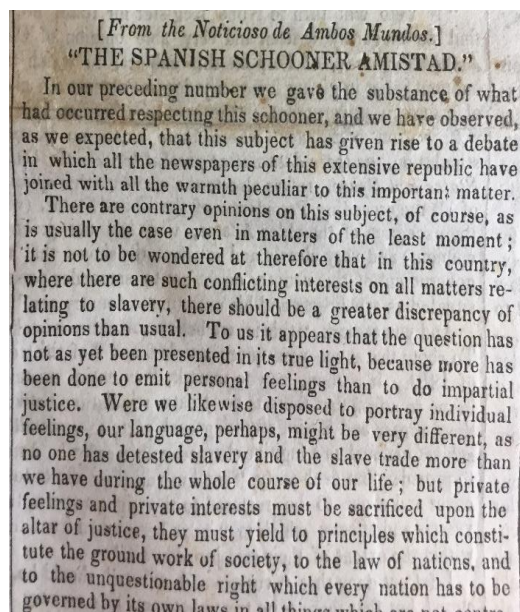
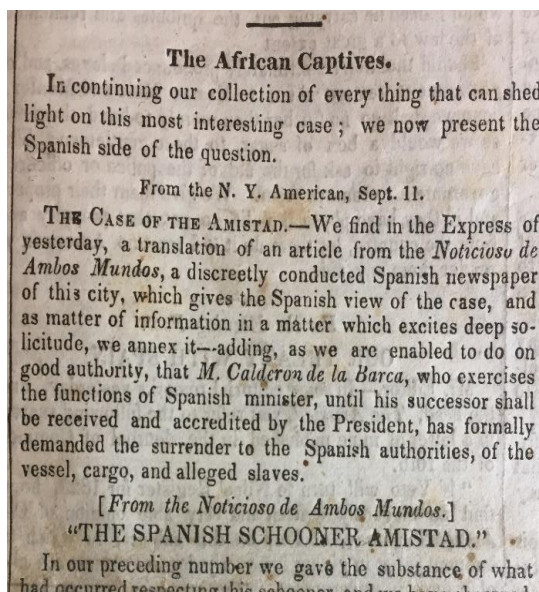


Fig. 33<sup>230</sup>

On November 23rd, one of the most notable exchanges of letters and responses was published in *'el' Noticioso* related to the *Amistad* event. The heated exchange begins

<sup>229</sup> Ibid.

<sup>230</sup> "The African Captives," *The Emancipator*, November 23<sup>rd</sup>, 1839.

with a *comunicué* entitled “¡*Todavía mas acerca de la goleta Amistad!*” (Still more regarding the Schooner *Amistad!*). In a feigned tone of welcome, a letter sent by “*el Señor Lewis Tappan*” to the editor of the *Noticioso* was printed along with a response. Consistent with the other communications, no translator was mentioned. “We,” *nosotros*—the narrator’s voice of the article—stated that “they” also echo Tappan’s philanthropic interests in the cause, acknowledged “that people of color have a soul,” and wished that they [the Africans] find in the world the means of salvation which they [the Spaniards] enjoyed. Yet, enslavers’ and racists’ perspectives continued to percolate in their expressions in response to Tappan in their condescending tones:

Seámos francos Señor Tappan...Los negros ignoran, no lo dude V., todo el efecto que habian de causar sus declaraciones, ignoran igualmente el valor que tiene la cruz con que han señalado sus declaraciones, y sino son ciertamente ellos los que demandan contra Montes y Ruiz...¡Quien ha dicho á V. Que esos dos intérpretes que han hallado. Vds. en el *Buzzard* saben igualmente bien la lengua de los africanos y el inglés? ¡Basta para la legalidad que ellos lo digan!<sup>231</sup>

In addition, as this quotation promotes, the Spaniards questioned the linguistic competencies exemplified by the interpreters recruited by the *Amistad* Committee. At the same time, the credibility of the testimony of the Africans was debated. The mention of “*la cruz*” refers to the sign used by some of the witnesses, interpreters included, when signing their affidavits, not being able to place their name on paper, at least in English. Their lack of writing ability gave the Spaniards reason to question their credibility. These opinions give voice to privilege, by placing greater value on written communication and instruction than on other societies and cultures and ways of communication, and above all, their experiences as slaves. Whether or not they made an argument to try to move the case to Cuba, their opinions sided with the institution of slavery and its practices.

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<sup>231</sup> *Noticioso de Ambos Mundos*, 23 de noviembre 1839.

On November 21st, 1839, another letter translated from Spanish into English, and published in *The Emancipator* as well as *The British Emancipator* and *The Cincinnati Gazette*, reveals how the Spaniards' suspicions of the linguistic competencies of the interpreters and credibility of the Africans was based on other non-linguistic proclivities, such as on racism, religious bias, domination, and class and pro-slavery ideology. The long diatribe between both sides begins with the translated sentence, "in what country do we live?—such is the inquiry of every impartial man upon learning the imprisonment of Messrs Ruiz and Montes," and continues midway with the following observations regarding interpreting issues:

Where is the sanction of the oath of men who are in the first place notorious murderers, and in the second place savages ignorant of the existence of the divinity, and without more idea of the Holy Bible than we have of what has never existed? In the next place who can believe that the language and meaning of these negroes, who speak none of the cultivated languages, and whose depositions have been taken through another negro interpreter, picked up by the abolitionists, Lord knows where, have been truly and faithfully interpreted?

With no name of the translator in sight, however, on February 15, 1840 an article in *Noticioso de Ambos Mundos* opposed the decision of Judge Judson, pointing out translation issues and quoting portions of the decision in English. This article was signed by "UN ESPAÑOL" (A Spaniard). The public controversy must have been such that this writer/translator preferred to stay anonymous. For some, anonymity in this controversial story offered a layer of protection. In another article, published on September 26th, informing the readers on how the slaveowners bypassed the international treaty abolishing transatlantic slavery in Spain, the writer specifies that the informant prefers to remain unknown, 'for obvious reasons.' He is "a gentleman of responsible character, who enjoys

ample opportunities of knowing the customs of Cuba, but who, for obvious reasons, does not choose to give his name to the public.’<sup>232</sup>

Perhaps this explains, at least partially, why the names of translators continued to be absent from all documents. Presently in the USA, submitted certified court translations are typically signed by the certifying translator. Newspaper articles or published literature tends to credit the translator’s work. Yet, in this nineteenth-century case, as I have tried to demonstrate, responsibility for translations related to the *Amistad* Case resided within institutions; for instance, the Department of State assumed responsibility for translation of *Licencias* in congressional matters. Hypothetically, the Department of Justice was in charge of those licences presented during the course of the trial, while the defense team offered ‘corrected’ versions of the document. This stands in contrast to interpreters whose names and identities were clearly stated throughout the court proceedings. Furthermore, letters in newspapers provide the original author’s name but lack the name of the person who translated them.

### **On the Search for Translations of International Treaties**

However, there was one last set of documents in need of ‘official’ translated versions from the beginning of the case, documents that were indispensable to the appeal’s process. These were the international treaties signed between Spain and the United States of America, and Spain and Britain, respectively in 1795 and 1812.

Similar to the translated letters published in different newspapers, the treaties were also translated, discussed, and published in *Noticioso de Ambos Mundos* as well as in English newspapers. Quoting a previous article, published on September 7th in

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<sup>232</sup> *The Emancipator*, September 26, 1839.

*Noticiosos*, the editor cites Articles 8, 9, and 10 of the treaties, the most disputed in the primary sources gathered (See Fig. 35), along with Kent's Commentary on "Surrender of Criminals." Both sides, pro- and anti-slavery advocates, produced different interpretations of these treaties. Summarily, Spaniards and USers aligned with their beliefs, relied on the later two articles, which state that any vessel from the one nation taken by a third party and captured in the seas by the other nation shall be surrendered to the first one.

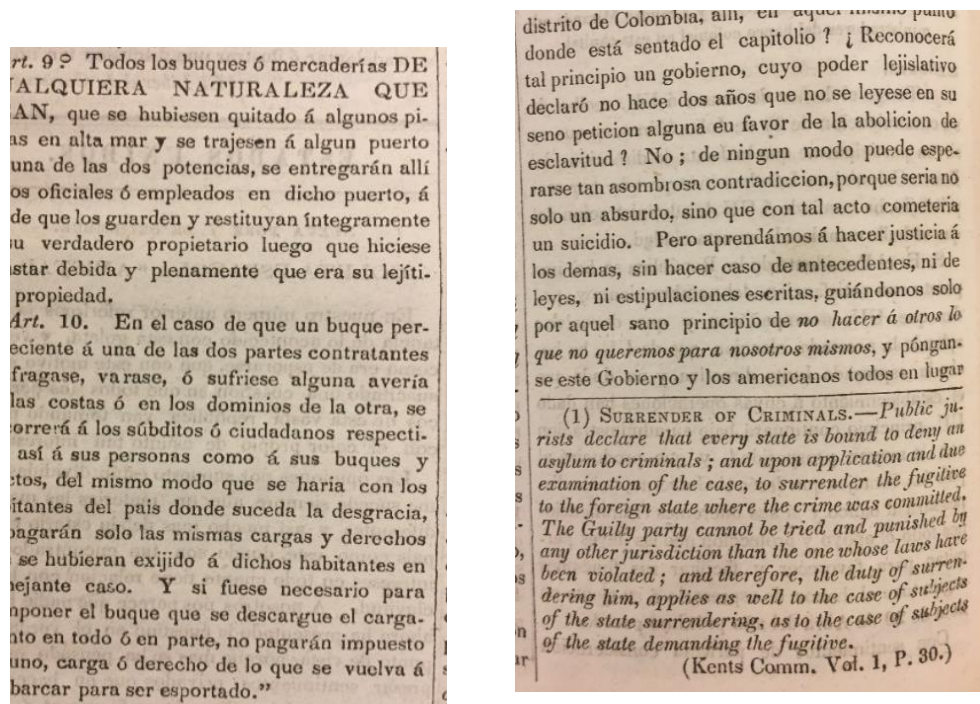


Fig. 34<sup>233</sup>

In addition, in the event that a vessel from one nation was found shipwrecked in the territory of the other, the other nation will rescue and assist its crew and vessel without paying taxes or other fees. Abolitionists, on the other hand, argued that these clauses were inapplicable, since the "property" in the *Amistad* was illegally obtained and the Africans had exercised their right to freedom. Furthermore, the Africans were not pirates or robbers as the treaty specified, a position contradicted by the Spaniards and those who sided with them.

<sup>233</sup> *Noticioso de Ambos Mundos*, 7 de septiembre de 1839.

Nonetheless, finding authenticated English copies of the treaties in preparation for the appeal was a challenging task. Tappan and others engaged in much correspondence with Mr. Hollabird, Esq, the State Department, Mr. John Forsyth, and even the President of the USA to locate these English documents. Newspaper articles and printed letters reflecting the complexity of this matter about. On October 1st, 1840, The American and Foreign Anti-Slavery Reporter published a letter by Tappan, addressed to an unknown person, that read:

Dear Brother—I want you to do me a great favor respecting the Africans....We have tried in vain to get authenticated copies of the treaty between Spain and Great Britain, prohibiting the slave-trade—the decree of the King of Spain, of 1817, a translation of which is in the Wheaton’s Reports—and the Ordinance of the Queen of Spain of November, 1828...If copies can be obtained, will you get them at my expense immediately? If they cannot, will you get the President’s permission that the translations in Wheaton’ &c. May be received in evidence. No time should be lost. I believe you can accomplish this. Yours truly, Lewis Tappan.<sup>234</sup>

It remains unclear why an intervention at the highest levels of government, through the President of the USA, was requested to resolve judicial document translation. Yet, the fact of this request reveals just how many personalities and institutions were implicated in the outcome of this case, the possible collusion of different levels of government and the three governmental branches, and how many exerted their influence in its development within an enslaving society. Another newspaper article, printed in the same issue, dated September 17th, 1840, records the ordeal of obtaining copies of these documents:

We now proceed to lay before our readers another act in this extraordinary drama. While this cause was in the District Court, it was found impossible to procure authenticated copies of the Spanish decree and ordinance, and difficult to procure one of the Treaty between Spain and Great Britain. ...The counsel of the Africans...conceiving these documents very necessary for the defence, very urgently requested the District Attorney...to admit the

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<sup>234</sup> “The Reporter,” October 1st, 1840.



authenticity of the documents in question, copies of which were shown to him in Wheaton's Reports.<sup>235</sup>

In email communication with Michael Widener, Rare Books Librarian and Lecturer in Legal Research at the Yale Law Library, he explained to me that the "Wheaton's Report" or "Wheaton &c." refers to the official reporter of the U.S. Supreme Court during 1816-1827, namely, Henry Wheaton. According to Widener, Wheaton, whose specialty was International Law, added extra materials to his reports, increasing the price and delaying their submission.<sup>236</sup>

But after months of written communication, finally, on Sept 11th, 1840, Holabird wrote to Tappan confirming: "I am authorized, and will admit [...] the authenticity of the decree of the King of Spain of 1817—the ordinance of the Queen of the 2d Nov, 1838, and the treaty between Spain and Great Britain of 1817."<sup>237</sup> Yet the unanswered question remains: Who specifically was responsible for the translations of these documents?

## Summary

Translation issues in The *Amistad* Case did not become apparent initially for both sides. Christian Abolitionists hurried to publish ads in newspapers, nationally and abroad, in search of "African" language court interpreters to ensure effective attorney-client conferences and proper witness testimony in court proceedings. Oral testimonies served as evidence that the *Amistad* defendants were unable to speak Spanish, and, therefore, that they had arrived only recently from the African continent. This proven fact contradicted the highly disputed term, *Ladinos*, contained in the *Licencias*, against the reality that they were *Bozales*. On the other hand, Spaniards relied on the USA enslaving-

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<sup>235</sup> Ibid.

<sup>236</sup> Michael Widener. Email message to author, January 22, 2018.

<sup>237</sup> "American and Foreign Anti-Slavery Reporter," October 1<sup>st</sup>, 1840.

prone judicial, executive, and legislative arenas that accepted at face value these travel documents. It was not until November of 1839, when Dr. Richard Robert Madden testified in court, that the issue of the falsified documents finally came to light. The expressions of the Spaniards and their supporters—in Spanish newspapers and in the USA—fully trusted the veracity of said *Licencias* because they were written by legitimate Cuban authorities. On the other hand, to date no sources have been found to identify a Spanish/English translator, from either party, during the course of this trial. Yet the grammatical and syntactical information revealed in the textual analysis of documents by William Jay and ‘UN ESPAÑOL’ (A Spaniard) shows how Spanish and English linguistic knowledge for translation was prevalent.

It was not until the USA Department of State offered an official translation that translational issues became central in discussions and debates on the case in newspapers, letters, and anti-slavery paraphernalia. Their final document reflected manipulative strategies to further support the institution of slavery when the phrase “sound negroes” and the word “women” were added in substitution of the term “*Ladinos*” to the travel permits. As a result of the legislative investigation initiated by John Quincy Adams, it was learned that the translator had included “faithfully” the original terms, revealing how patronage and ideological manipulation were responsible for the final edited document. Throughout all archival sources, translators remained unnamed and unidentified, a direct contrast to the interpreters in this case. The same applied to newspaper articles published as translation in other written press. For instance, this was the case with Spanish articles published in *Noticioso de Ambos Mundos* translated for publication in English newspapers in the USA and in England. Similarly, Spanish letters from José Ruiz were published in English, and English letters from Lewis Tappan were published in Spanish newspapers. Translations of originals printed in newspapers demonstrated the need to

publicize the other side's perspective in a heated debate that caused a major public controversy, though the authors of these translations remained anonymous. And lastly, authentication of translated international treaties were obtained through Wheaton's Reports, and other sources, though again no translator was named in these either.

Not only did Abolitionists fail to foresee the importance of translations issues at the beginning of this case. Surprisingly, the quantity and importance of translated documents deepened with the investigation. This chapter attempted to provide a sampling of how translation did matter in the *Amistad* Case. Furthermore, it aimed to demonstrate how issues of 'textual fidelity' may involve questioning the originals, not accepting them at face value, even before commencing the translation activity.

*Amistad* translation history and methodology suggests the importance of researching the realities behind the text to produce a faithful rendition in order for justice to be served in the courtroom. Fidelity matters in ITS tend to be analyzed from the text onward. To date, it is unclear who the translator (s) were or even if heavy-handed editors tinkered with the final congressional publication. Yet, the *Amistad* Case exemplifies a time when translators and editors needed to consider the deeper context, the colonial and enslaving controversies, in the process of procuring a faithful translation. The lives of the Mende Africans depended on it. With the assistance of a judicial interpreter at the January 1840 trial, they unveiled the fabricated lies in the *Licencias* to win the *Amistad* Case.

### **Part 3. The interpreters and interpreting matters in *The Amistad* Case.**

#### **Introduction—Why they mattered**

On May 17th of 1886, Simeon E. Baldwin, son of the *Amistad* Case attorney-of-record, Roger Baldwin, Esq., read a paper entitled “The Captives of the *Amistad*” to the New Haven Colony Historical Society. Forty-seven years after the case had been filed in state and federal courts, Baldwin’s son reminisced about the importance of finding an interpreter to act on behalf of the Africans. In this forty-page-long speech, he recalled the events and impact of what he called “the most famous case ever tried in Connecticut...none ever awakened a wider interest or a deeper feeling...the first fluid-posts that pointed the way to the yet unopened grave of slavery in the United States.”<sup>238</sup> Only ‘Banna’ spoke a few words of English<sup>239</sup> impeding the Africans from telling their side of the story, and “substantially shut [them] out from the possibility of communicating with the outside world.”<sup>240</sup> This linguistic need prompted the Abolitionists to issue “a public appeal printed in the *Emancipator*, secure counsel, and endeavor to find an interpreter through whom their story could be fully learned.”<sup>241</sup> As a direct response to this action, James Covey, the eighteen-year-old Mendenian interpreter, was found. Favored as the essential interpreter in this case, he was not the only one to serve as interpreter in the *Amistad*’s political, colonial, and ethnic saga.

This chapter explores the recruitment process as well as the roles and aspects of the lives of the eleven interpreters used in this case. Framed within the nineteenth-century

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<sup>238</sup> Baldwin 1886, 1.

<sup>239</sup> English, as well as Arabic, were languages spoken on the coast of Africa during the period in question. Commercial trade and the transatlantic slave trade generated ample opportunities to speak both languages on the African coast.

<sup>240</sup> *Ibid.*, 337.

<sup>241</sup> *Ibid.*

USA anti-bellum period, the chapter explores the effects of interpreting services in the continuum of the anti-slavery and pro-slavery movements. This chapter delves into the role of the interpreter and how it resembled or deviated from current (court) interpreting standards.

As Baldwin narrated the related events, Covey provided a clear venue “for the captives to freely communicate with those about them.”<sup>242</sup> This venue made it possible for the legal team composed of Abolitionists, many of whom were lawyers and ministers simultaneously, to prepare a suitable defense based on their confirmed supposition that the Africans had only quite recently arrived in Cuba. Covey provided the tools for the Africans to submit their stories as evidence in court and participate in their defense. The judge ruled in favor of the incarcerated and enslaved Africans, largely thanks to the availability of court interpreters. Benjamin N. Lawrance recalls how because of Covey’s interpreting skills, “the Africans were able to tell their story in their own words in court.”<sup>243</sup> However, what was Covey’s life journey before being discovered at the New York City docks? What training or life experience did he possess that equipped him as a court interpreter?

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<sup>242</sup> Ibid., 338.

<sup>243</sup> Lawrance 2014, 8.

## Chapter 1. The final court interpreter of *The Amistad* Case

### The stolen childhood of James Covey and the other *Amistad* Children

Benjamin N. Lawrance, in his seminal research *Amistad's Orphans*, explores the lives of the six children in this case, three girls, and three boys. Three of them served as interpreters—Antonio, Covey, and Kale—in different capacities and with different repercussions throughout the development of the *Amistad* story. Lawrance's work brings to the forefront the forgotten lives and journeys of enslaved children during the nineteenth century, facilitated by the extensive documentation related to the *Amistad* plot. As major imperial European nations engaged in human trading and signed treaties abolishing African-transatlantic slave trade, covert operations increased, and women and children became preferred targets.<sup>244</sup> Africans were believed to be more docile, less prone to rebel, and their smaller sizes and shapes allowed enslavers to increase how many of them they stuffed into the bellies of ships. In addition, “ships transported ever greater numbers of children because markets like Cuba and Brazil demanded them, in spite of prohibitions on the trade.”<sup>245</sup> Consequently, Lawrance notes that “*Amistad* children were alienated from their homes and... became ‘bereft’ of kin, often through violence or by poverty if pawned.”<sup>246</sup> His research highlights how slavery robbed these children of the cultural rites and customs that would have developed their sense of identity, belonging, and self-confidence.

His documentation of the *Amistad* children sheds light on child slavery historiography. He wrote: “for too long child slave lives have been considered inaccessible to the historian, their experiences silenced by the past and unrecoverable [...] this book

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<sup>244</sup> Ibid., 35.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid., 17.

follows the lives of six remarkable African children in an attempt to correct some of these persistent misconceptions.”<sup>247</sup> Of all the Amistad orphan’s, Covey was the oldest, and of the six, information on Covey is the most abundant. We learn, for example, that “he had traveled extensively in the Atlantic with the Royal Navy, when he appeared before the court in 1839 as interpreter.”<sup>248</sup> The journey of Covey correlated with that of the Africans he would later assist as an interpreter. Covey, born around 1825 or 1826, was kidnapped from his African home and encountered slavery early in his life.<sup>249</sup> Lawrance explains that “he worked on a rice paddy for several years near the Galinhas [sic] coast before being sold to a European slave trader and put in to a slave hold.”<sup>250</sup>

Violently uprooted from his community, he was forced into slavery, then onward to an enslaving vessel, the *Segunda Socorro*. Shortly after, when he was approximately nine, his ship was intercepted by the Royal Navy West Africa Squadron operating from Freetown, Sierra Leone. The first mention of Covey appears on the ship’s papers of the *Segunda Socorro* in 1833, from where he disembarked in Freetown.<sup>251</sup> According to Lawrance, archival records of Sierra Leone and the British National Archives give an account of a nine-year-old boy “height of four feet nine inches, named ‘Covie,’ branded ‘B’ on his left arm, as slave number 2709.”<sup>252</sup> The Court of the Mixed Commission decided the fate of the enslaved Africans freed from these ships. In the case of Covey, he was mandated to attend school for five years at the Church Missionary Society, CMS, in Bathurst followed by an apprenticeship.<sup>253</sup> In this transition, Covey was propelled from

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<sup>247</sup> Ibid., 4-5.

<sup>248</sup> Ibid., 14.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid., 8.

<sup>251</sup> Ibid., 37.

<sup>252</sup> Ibid., 185-186.

<sup>253</sup> Ibid., 189-190.

one form of constricting and colonized environment to another. Lawrance remarks that Covey had access to a different type of apprenticeship: “he was part of a special and experimental pact with education and training at the core. Covey was one of 103 boys whose education and apprenticeship were contracted by the colonial government to the CMS.”<sup>254</sup> The CMS experience coupled with the apprenticeship exposed him to the English language, as Covey stated during the *Amistad* trial on January 15th, 1840. Court files include a transcript from when he was examined as an expert witness, “I learned to speak English in Sierra Leone. Was put on board as man of war one year and a half” [emphasis in original].<sup>255</sup> The first sentence alludes to his time at CMS; the second to his apprenticeship on board of the *Buzzard*. Some nine years later, in 1838, “he was apprenticed to the Royal Navy ship *Buzzard*, and in 1839 he sailed into New York City.”<sup>256</sup> By the time he arrived in NYC, Covey was eighteen, nine years of which he had lived as an enslaved child, followed by forced Christian assimilation. Five years earlier, a similar squadron had procured his release; now he was one of them. Lawrance reflects, “when Gibbs met Covey in New York, he had just survived a very tumultuous Atlantic crossing.”<sup>257</sup>

Lawrance speculates that in 1838 a contract mediated Covey’s transfer from the CMS school to the Royal Navy. Nonetheless, after James B. Covey became the suitable interpreter for the *Amistad* Africans, it is unclear if a transfer occurred from the apprenticeship contract to the *Amistad* Committee, as surmised by Lawrance.<sup>258</sup> An apprenticeship, however, lacked autonomy or status, for “the experience of

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<sup>254</sup> Ibid., 190.

<sup>255</sup> Thomas Gedney vs. Schooner *Amistad*.

<sup>256</sup> Ibid., 8.

<sup>257</sup> Lawrance 2014, 194.

<sup>258</sup> Ibid., 217.



apprenticeship often resulted in further exploitation. Apprentices were bought and sold like chattel, and many found themselves a second time on slave ships.”<sup>259</sup> Captain Fitzgerald, of the *Buzzard* brig, Covey’s supervisor, authorized Covey to remain as interpreter in the *Amistad* proceedings. Tappan gladly informed Baldwin on October 4<sup>th</sup>, 1839:

Capt. Fitzgerald, of the brig *Buzzard*, called on me today, and consent[ed] to have both Covey and Pratt remain several days longer. In fact, he would not be displeased to have one of them remain here for months if necessary.

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These men may be arrested.  
Capt. Fitzgerald, of the brig *Buzzard*,  
called on me today, and consents to have both  
Covey and Pratt remain for several days  
longer. In fact he would not be displeas-  
ed to have one of them remain here for  
months if necessary. He will probably be  
subpoenaed as a witness in the suit to be  
commenced against Munter & Reed.  
I. H. L. & their

Fig. 35<sup>261</sup>

Captain Fitzgerald, commanding the British Brigantine *Buzzard*, engaged actively in intercepting vessels illegally trafficking slaves from Africa to the Americas. Built in 1834, she sailed from England to the Gold Coast of Africa in 1838 “with orders to capture all vessels engaged in the slave trade, not being justly entitled to claim the protection of

<sup>259</sup> Ibid.

<sup>260</sup> “Tappan to Baldwin,” October 4<sup>th</sup>, 1849, The Baldwin Family Papers.

<sup>261</sup> Ibid.

any state or nation.”<sup>262</sup> Her “crew consist [ed] of 20 Blacks and 30 white men and boys.”<sup>263</sup> Aboard the *Buzzard*, James Covey and Charles Pratt were in a position to liberate other boys, girls, women, and men transported as slaves, as they themselves had experienced once. The liberated slaves brought to Sierra Leone were received into ‘the Asylum’ and relocated into different villages. Regarding the process for liberated boys, the same newspaper article described:

Pains are taken to teach the young, to put them to trades, and some of the boys are employed on board the cruiser. [The two young men from the *Buzzard*; who acted as interpreters of the captured Africans of the *Amistad* at New Haven, had been in the Asylum, where they learned to speak and write the English language. The *Buzzard* was allowed six of these African boys, besides 8 Kroomen, and 4 boys who have served some years, as they favor the white part of the crew in that climate.] [brackets in original] <sup>264</sup>

The CHM-asylum experience offered Covey an opportunity to serve as interpreter for his kindred as they struggled for liberation from enslavement and jail. Whether Covey was considered a “boy” or a “Kroomen” aboard the *Buzzard* or had a choice in matter is not noted in the narration. Christian Abolitionists proved triumphant in their ardent search, ready to safeguard their excellent results. How much agency Covey had to stay for the subsequent trials is doubtful from the information contained in the studied letters. Did Covey experience a type of sequestration due to his interpreting abilities? Did he have agency? These are leading research queries.

The contractual provision examined by Lawrance, compounded with evidence found in AMA letters and Baldwin Family Papers, together suggests that Covey lacked self-determination to stay as interpreter in this anti-slavery case. In preparation for the November trial, Tappan wrote to Baldwin listing the witnesses to be subpoenaed,

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<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

including the Mendi interpreter: “[Covey] will probably be subpoenaed as a witness in the suit to be commenced against Montes and Ruiz.”<sup>265</sup> Earlier letters from Tappan to Baldwin, dated October 4<sup>th</sup> and 12<sup>th</sup>, of 1839, demonstrated the abolitionists’ readiness to protect their interests over the rights of the interpreter. Again, Tappan wrote on the 12<sup>th</sup>: “will you have [Covey] subpoenaed, and evidence of it forwarded to me for Capt. Fitzgerald of H. B. M. Brigantine Buzzard, who will want it to exhibit on his return to his station. The other young African can return to the Brig.”<sup>266</sup> No specific reason explained why Pratt’s interpreting services were no longer requested. Was his language proficiency not as developed as Covey’s? Was Covey’s educational background more suitable for the linguistic trial demands? Would Pratt’s job as the *Buzzard* cook unqualify him as potential expert witness? These questions are all unresolved to date.

Covey, however, was not the only witness subpoenaed by the *Amistad* litigation team. In the same October 12th letter, from Lewis Tappan, Esq. to Mr. Baldwin, Esq., one lawyer to another, Tappan recommended serving subpoenas to the following witnesses, “John Jay Hyde, New London Gazette editor, Savilion<sup>267</sup> Hayley, Dwight P. Janes, R. R. Madden, and Profs. Gibbs and Day.”<sup>268</sup> A different legal remedy was employed for Covey. In case of failure to appear in court, those cited could face incarceration if found in contempt. Was this only a bureaucratic maneuver to facilitate acceptance from Capt. Fitzgerald and to avoid Covey being found noncompliant with this contract? Or was Covey consulted and eager to help his fellow African brothers and sisters? The letters only record conversations between a captain and abolitionist-lawyers who, with regard to race,

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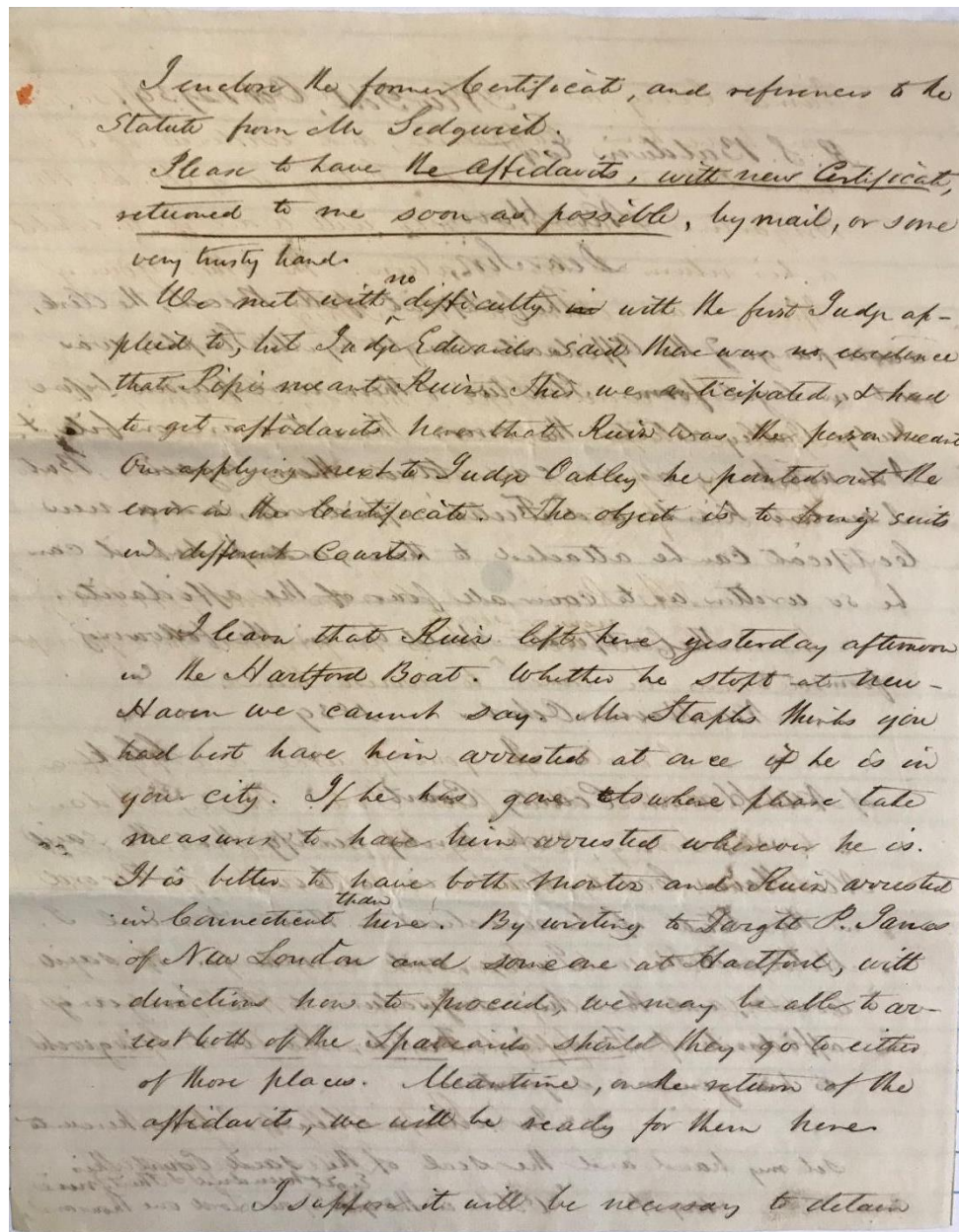
<sup>265</sup> “Tappan to Baldwin,” Nov 11<sup>th</sup>, 1839, The Baldwin Family Papers.

<sup>266</sup> “Tappan to Baldwin,” Oct 12<sup>th</sup>, 1839, The Baldwin Family Papers.

<sup>267</sup> Not sure on the spelling of his first name, unclear graphology, perhaps, “Lavilion.”

<sup>268</sup> “Tappan to Baldwin,” Oct 12<sup>th</sup>, 1839, The Baldwin Family Papers.

class, profession, and ideology, belonged to a privileged group in contrast to Covey's status as an immigrant African.



I enclose the former Certificate, and references to the Statute from Mr Sedgwick.

I learn to have the Affidavits, with new Certificate, returned to me soon as possible, by mail, or some very trusty hand.

We met with difficulty <sup>no</sup> with the first Judge applied to, but Judge Edwards said there was no objection that Rip's meant Kwin. This we anticipated, & had to get affidavits here that Kwin was the person meant. On applying next to Judge Cabley he pointed out the error in the Certificate. The object is to bring suits and different Courts to submit to us.

I learn that Kwin left here yesterday afternoon in the Hartford Boat. Whether he stops at New-Haven we cannot say. Mr Staples thinks you had best have him arrested at once if he is in your city. If he has gone elsewhere please take measures to have him arrested wherever he is. It is better to have both Morton and Kwin arrested <sup>than</sup> in Connecticut here. By writing to Dwight P. Jones of New London and someone at Hartford, with directions how to proceed, we may be able to arrest both of the Spaniards should they go to either of those places. Meantime, on the return of the affidavits, we will be ready for them here.

I suppose it will be necessary to detain

Fig. 36<sup>269</sup>

<sup>269</sup> Second page of letter, "Tappan to Baldwin," Oct 12<sup>th</sup>, 1839. Refer to last line.

James Covey as a witness & interpreter. If so will  
you have him subpoenaed, and evidence of it for-  
warded to me for Capt Fitzgerald of N. B. M.  
Brigantine Buzzard, who will want it to exhibit  
on his return to his station. The other young  
Africans can return to the Brig.

The word Pipi should, I think, be  
spelled Pepe, and is a sort of nickname  
given by Spanish slaves to their masters, equi-  
valent to father or old man.

As Ruiz and Montero will probably  
be in Connecticut <sup>now or shortly</sup>, it is important that prompt  
measures be taken to arrest them.

I enclose for your perusal a copy of a  
characteristic letter from John Quincy Adams  
to du Soley, a lawyer & friend of mine at  
Boston. Be so kind as to return it to me.

Did du Townsend say to you that your  
draft at one day's sight on S. W. Benedict 143  
Nassau St. for fifty dollars would be duly honored?

Respectfully yours,  
Lewis Tappan

Fig. 37 <sup>270</sup>

Abolitionists employed a more drastic measure. In the same letter, New York Abolitionist Tappan, writes, "I suppose it will be necessary to detain James Covey as a witness and interpreter"<sup>271</sup> (See Figs. 36 & 37). Of all the witnesses, only Covey was detained. Reference in letters to the "arrest" of the Spaniards Montes and Ruiz may be expected, for the Africans had filed a suit against them for cruel mistreatment. The Spanish

<sup>270</sup> Third page of letter, "Tappan to Baldwin," Oct 12<sup>th</sup>, 1839. Refer to first and third paragraph.

<sup>271</sup> Ibid.

community promptly voiced their complaints in the local newspaper during the incarceration of Montes and Ruiz. The same language repeats itself in another letter from Townsend to Tappan, on October 30<sup>th</sup>, 1839, which notes the need to ‘detain’ Covey.<sup>272</sup> It remains daunting to consider how Christians in the anti-slavery movement resorted to these repressive measures, “detaining” the sought interpreter to further the abolition ideal. I have not found further evidence in the primary sources supporting the view that Covey, in the end, was “arrested” to serve as interpreter. But the mere thought is disturbing. In their fervor to liberate the *Amistad* Africans, to advance the anti-slavery ideal, Christian Abolitionists put in practice oppressive and colonizing actions that limited the freedom of Covey, another African.

For Covey, this was yet another experience in list of experiences that denied him agency and treated him as a minor. Lawrance remarks, “several of the orphans continued to be treated as children in a variety of ways after they reached maturity.”<sup>273</sup> Age, ethnic background, and status merged to favor some over others.

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<sup>272</sup> Lawrance 2014, 308.

<sup>273</sup> *Ibid.*, 32.

## James Covey, “Interpreter Found!”



**Fig. 38**<sup>274</sup>

By the time Covey encountered the *Amistad* Africans in the New Haven jail, more than a common language and ethnic background solidified their bond. A similar enslaving journey and a need to trust in highly volatile circumstances mediated their communication. No wonder that after some forty days of non-verbal communication, when the Africans heard a fellow Mendian able “to talk their own language,” the children rejoiced and “breakfast was forgotten” (See Fig. 40). The agency of the Africans prevailed in this encounter. They chose to reduce the physical, social, linguistic, and cultural barriers worsened by their forced stay in the northeastern USA by “dragging” the interpreter into their midst. Body language and affectivity became the confirmation of the right candidate. Speaking “as fast as they could,” previews a fast rhythm of questions, inquiries and responses without the intervention of legal counsel. Africans, interpreters and captives,

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<sup>274</sup> This side profile drawing was taken from John W. Barber’s account on “The Amistad story and Trials” (1840). In his chronicle compiled from interviews interpreted by James Covey, the biographical narratives of the Amistad captives included profiles taken “by a pentagraph from the wax figures now exhibiting through the country by Pendleton & Curtiss, which are striking and accurate likenesses of the Africans, taken from life by Mr. Moulthrop” (Barber 1840, 8). Barber does not specify whether Covey’s pentagraph was modeled after a wax figure. All other side profiles are identified by a number corresponding to the wax figure of the exhibition.

could communicate flawlessly, in a scene that depicted human and ethnic comfort, and a profound sense of relief. An interaction with interpreters achieved the abolition of non-communication.

Current court interpreting professional protocol prescribes avoiding interpreting scenarios without the presence of a court officer. An attorney as witness of this joyful exchange between Covey and his fellow Mendi Africans was not recorded. Legal representatives may anticipate, nonetheless, that the scene described lacks any resemblance to current formal attorney-client meetings for counsel to gather facts in case preparation. For circumstances like the Amistad case, seldom do Codes of Ethics for interpreters contemplate situations such as war, or high-level conflict contexts. They disregard considerations when the court interpreter represents the one person who speaks the language of the defendants in a ninety-mile radius.<sup>275</sup>

In 2012, three interpreting organizations, AIIC, FIT-IFT and Red-T created a “Conflict Zone Field Guide for Civilian Translators/Interpreters and Users of Their Services.”<sup>276</sup> The guide instructs all parties on their rights and responsibilities, including “how to work with T/Is” in contexts of strife. The introductory paragraph advises that “interpreters contracted to work in conflict zones are often non-professional linguists yet play[ing] a key role in communications. Operating in high-risk environments they are extremely vulnerable and require special protection both during and after the conflict.” Slavery in the nineteenth century framed the conflict locus of the Amistad story and its interpreters. Today’s guide reminds the non-professional of her/his rights to everything from wearing protective gear, to clear role definition, to the right to remuneration. Parallel

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<sup>275</sup> The distance between the New York and New Haven ports.

<sup>276</sup> The Red T organized in order to protect “translators and interpreters Worldwide.” Their vision seeks to foment a work environment “free from fear of persecution, prosecution, imprisonment, abduction, torture and assassination.” <http://www.fit-ift.org/guide-pour-zones-de-conflict/>.



to court interpreting codes impartiality occupies a prominent place in the guide, highlighting how the interpreters should refrain from “expressing [their] opinions or sympathies. You cannot be an advocate for any cause and must declare any conflict of interest.”<sup>277</sup> The Conflict Zone Field Guide is aimed closer to the kinds of guidelines that would have been pertinent for the reality faced by *Amistad* interpreters. An impartial interpreter, like Covey, did not represent the ideal non-professional for the case at hand. An ideal that once again shattered the optimal notion of partiality or neutrality for professional interpreting. Critical Race Theory also offers its own perspective on the notion of objectivity and impartiality: “Neutrality and objectivity are not just unattainable ideals; they are harmful fictions that obscure the normative supremacy of whiteness in American.”<sup>278</sup> The judicial environment and the greater enslaving society constituted the conflict zones in the *Amistad* case, and being partial provided the interpreter as well as the Africans a community and connections needed.

On the 3<sup>rd</sup> of October, Amos Townsend, Jr., abolitionist from New Haven, informed Rev. Leavitt of the jubilation that had ensued between the Mendi Africans and the interpreters. The introductory paragraph of this letter begins with him expressing his feelings, “I am most happy to say”<sup>279</sup> (See Fig. 40). On his second page we find reiteration of the ideal linguistic match, “the Interpreters can converse freely with the whole of them. The examination thus far, which has been in a separate room with one at a time, brings out a very clear and consistent story; they were all brought from Africa in the main vessel except Antonio:

“Dear Sir,

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<sup>277</sup> Ibid.

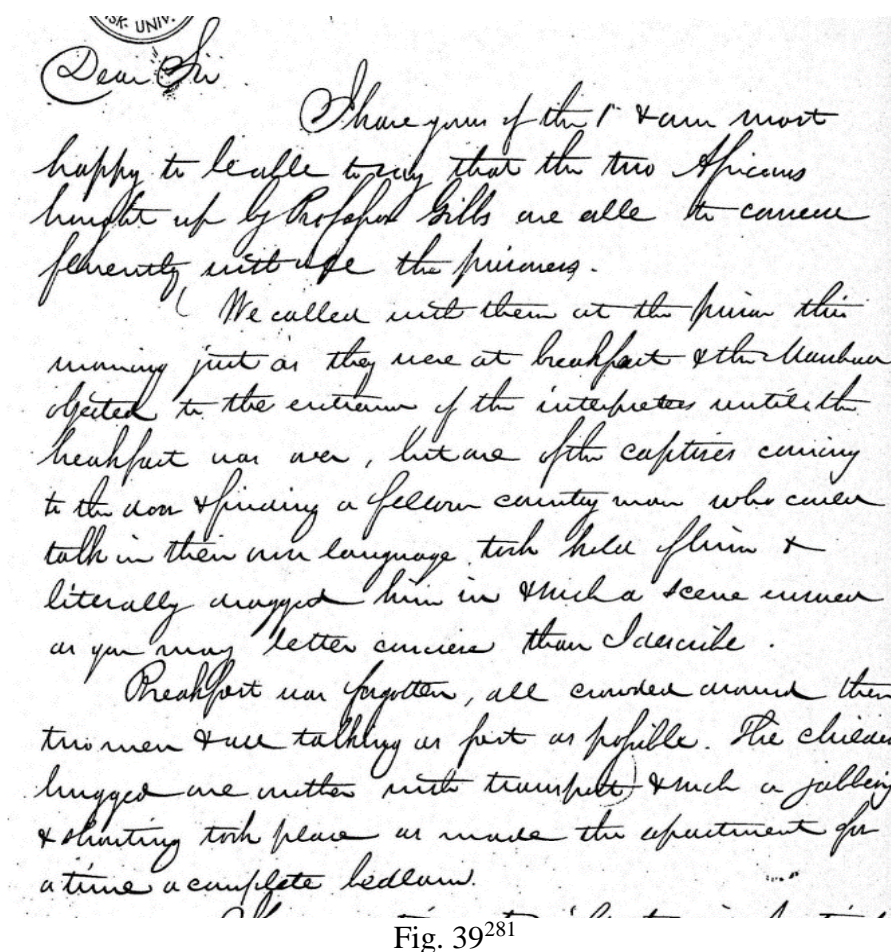
<sup>278</sup> Francisco Valdes, Jerome McCristal Culp, and Angels P., Harris, eds., *Crossroads, Directions, and a New Critical Race Theory*, (Philadelphia: Temple University Press: 2002). 1.

<sup>279</sup> AMA FI 4660.

I...am most happy to be able to say that two Africans brought by Prof. Gibbs are able to converse fluently with all the prisoners.

We called unto them at the prison this morning just as they were at breakfast and the marshal objected to the entrance of the interpreters until the breakfast was over! But one of the captives coming to the room and finding a fellow country men [sic] who could talk in their own language took hold of him and literally dragged him [...].

Breakfast was forgotten, all crowded around the two men and all talking as fast as possible. The children hugged one another with trumpet and much jolling and shouting took place as made the apartment for a time a complete bedlam.<sup>280</sup>

A handwritten letter on aged paper, likely a document from the Amistad case. The text is written in cursive and matches the typed transcription provided in the surrounding text. The letter is addressed to 'Dear Sir' and describes the arrival of two African captives who can communicate with the other prisoners. It details a chaotic scene at breakfast where the captives were brought in, and one of them was dragged to the room by another captive. The letter concludes with a description of the resulting commotion and noise in the apartment.

Dear Sir. I have you of the 1<sup>st</sup> & am most happy to be able to say that the two Africans brought up by Professor Gibbs are able to converse fluently with all the prisoners. We called unto them at the prison this morning just as they were at breakfast & the Marshal objected to the entrance of the interpreters until the breakfast was over, but one of the captives coming to the room & finding a fellow country man who could talk in their own language took hold of him & literally dragged him in & such a scene ensued as you may better conceive than I describe. Breakfast was forgotten, all crowded around the two men & all talking as fast as possible. The children hugged one another with trumpet & much a jolling & shouting took place as made the apartment for a time a complete bedlam.

Fig. 39<sup>281</sup>

In The Amistad Case, the interpreter was needed for client/attorney interviews, witness testimony—interpreting at the witness stand, and as expert witness—and

<sup>280</sup> AMA FI 4660.

<sup>281</sup> Ibid.

testifying to the linguistic and ethnic veracity of the Africans' testimonies.<sup>282</sup> However, some of the roles exercised by James Covey in The *Amistad* Case challenge current standards and ethical codes for the profession, two of which I would like to highlight: the role of "impartiality" and "ethnic competency."

For instance, according to the Professional Standards and Ethics for California for Court Interpreters, the clause about Impartiality and Avoidance of Conflict of Interest instructs interpreters that they "must be impartial and unbiased and must refrain from conduct that may give and appearance of bias."<sup>283</sup> The subsequent narrative expounds on what to do if interpreting tasks pose conflict of interests and the impact of the "appearance of bias" if "other people perceive that you are biased or partial." In either case, the interpreter has the duty to recognize, first, the conflict or bias, and if unable to comply with the professional duties, s/he should consult with the Judge or an officer of the court, or even recuse him/herself from the task at hand.<sup>284</sup> In the *Amistad* Case, Covey was selected by both Mendi Africans and Abolitionists, because, indeed, he demonstrated himself to be a sympathizer of the cause, and the Africans could relate to him, requirements to serve as a linguistic mediator in judicial and non-judicial activities.

Those preferred requirements and qualifications deviate from those pursued by recruiting personnel or even professionals today, subjective elements such as "trust," "advocacy," and "impartiality."<sup>285</sup> Neither do the current code of ethics and professional

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<sup>282</sup> These were the major roles between October 1839 and January 1840. After the Africans were freed thirteen months after winning the trial, Covey acted as conference interpreter—interpreting for the Africans in public gathering, promoting their return to Africa and for the beginning of Mendi Mission. As interpreter, he also assisted John W. Barber in gathering the biographical information on the Africans, served as mediator—between the *Amistad* girls and others in the community, and as an "interpreter trainer" to train two *Amistad* children when he contemplated leaving to go back to Africa.

<sup>283</sup> "Professional Standards and Ethics for California Court Interpreters," 4<sup>th</sup> Ed., June 2008, 26. <http://www.soniameInikova.com/CodeOfEthics.pdf>

<sup>284</sup> Ibid.

<sup>285</sup> Zaragoza-De León, 2015.

standards for US court interpreting consider “ethnic” nor “cultural competency” to be expected of medical interpreters based on their adopted code of ethics. According to the International Medical Informatics Association (IMIA) Code of Ethics, an interpreter serves as an intercultural mediator between the health care culture and the patient’s background when this hampers communication affecting the delivery of services. In this context, an interpreter also serves as an advocate. The parallel National Council on Interpreting in Health Care (NCIHC) code emphasizes a different component: “the interpreter continuously strives to develop awareness of his/her own and other (including biomedical) cultures encountered in the performance of their professional duties.”<sup>286</sup>

The ethnic competency and background of James Covey became crucial to qualify him as expert witness and to reinforce the testimonial credibility of the Africans. In a double role, the interpreter corroborated part of the stories narrated by the Africans. Lawrance comments that “[Covey’s] childhood experiences were fundamental in establishing the context of illegality and making his mediation possible.”<sup>287</sup>

Court interpreters are presumed to be linguistic experts. Therefore, their credibility is at stake. Opposing parties may question them on varied issues, such as language, statements, and roles. Impeachment represents a real option for these trial experts: “the role which the interpreter plays makes him/her subject to having his/her interpretation challenged and impeached just like any other expert witness.”<sup>288</sup> Covey experienced this possibility. The January 1840 trial entertained motions and arguments that attempted to impeach James Covey on the grounds of off-the-record interpretation, situation which will be discussed later in section on Interpretation Matters. His linguistic competencies

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<sup>286</sup> Long, 41.

<sup>287</sup> Lawrance 2011, 4.

<sup>288</sup> Schweda-Nicholson 1985, 5.

surpassed the expertise needed in this high-profile case. Shortly after meeting the Mendi Africans, James Covey deposed:

These prisoners speak of the River “Mwa”, of the place ‘Lomboko,’ both of which I have seen, in Africa, and they speak no language except native African, and from their language and manners, and appearance, I am sure they are native Africans. I learned to speak English language in Sierra Leone...I was born in the Mandi[sic] country, in a place called Gho= noun, [illegible] the Mandi is my native language. I conversed with these Africans separately in the presence of Mr. Gibbs, and they are consistent in their history of the place from which they sailed in Africa, and of their voyage, to the Havanna.<sup>289</sup>

As an expert witness, Covey clarified central facts for the defense of the Mendi Africans. He was examined on their place of birth and native language, as the previous excerpt illustrates, and corroborated their real African names in contrast with the false ones recorded in the *Licencias*. Court testimony verified their authentic names as a key defense issue, possible once the interpreter could mediate linguistically. *Amistad* court files revealed that the court was privy to this fact early on in the judicial process. On August 29<sup>th</sup>, 1839, Norris Wilcox, USA Marshall, proceeded to arrest the Africans. Later, he attested:

Then I proceeded to arrest the within named persons, but found they did not answer to the names set forth in this warrant in being the names given them at Havanna for the purpose of shipment but found them to answer o the following names to wit, Cinque, Burnah...and therefore took the abovenamed persons into custody and then committed to the custody and keeping of the jailor at New Haven in said district.<sup>290</sup>

This arrest may constitute one of the legal violations of the rights of the Africans. How could the Marshall execute this warrant taking into custody people not responding to the names therein? If the detainees had been English speakers and of lighter skin complexion,

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<sup>289</sup> The Baldwin Family Papers at Yale University. This testimony was gathered through the judicial instrument identified as a ‘deposition,’ as declared in said document. Legal historians, nonetheless, have identified this document as displaying characteristics common to ‘affidavits.’ The four-page document, not numbered in the reel, is dated October 4<sup>th</sup>, 1839, apparently a day after the arrival of James Covey at the New Haven jail. The document is signed by “James Covey” and certified by a judge from the New Haven County Court. (United States vs Cinque and Others)

<sup>290</sup> From the case files at National Archives at Boston, MA, USA.

would the story have ended in the same way? Validation of their native languages other than Spanish represented a pivotal element to prove their recent arrival in Cuba, versus decades ago, before 1817. Another statement enclosed in Covey's abovementioned deposition<sup>291</sup> demonstrated the crucial implications of being ethnically competent. It reads:

The above mentioned colored persons with whom he can converse, speak the Mandi language, which is a native African language, and was taught me [sic] by my father and mother, and the words of the abovementioned colored persons are the words which I use and as well understand each other when speaking the Mandi. The names of the Africans who are now in said jail have meanings, the name 'Fulch' means 'the sun'. The name 'Gabaung' means 'God save us....' [all emphasis in original]<sup>292</sup>

Ethnic competency and personal-historical knowledge were interlinked in his declarations. Christian Abolitionists were aware of the two distinct roles that the court interpreter for the Mendi captives needed to exert. Rev. Tappan, Esq. commented in a letter to Baldwin on October 12<sup>th</sup>, 1839, "James Covey is a witness and interpreter."<sup>293</sup> The defense team identified his dual role early in the process. Language, ethnicity, and ideology lined up to facilitate trying the case. Recruitment of Covey, however, proved a challenging task.

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<sup>291</sup> The writer or transcriber of said deposition switched from the 'first person' to the 'third person' as the writing progressed.

<sup>292</sup> Ibid.

<sup>293</sup> "The Baldwin Family Papers," Manuscript and Archives, Sterling Memorial Library, Yale University

## Chapter 2. The Recruitment Process--How to find the interpreter?

The recruitment process was an arduous ordeal, a Lenten journey of its own. Finding an interpreter, in the unknown language spoken by the *Amistad* Africans, seemed tenuous. John Pickering, from Boston, MA., writing to Lewis Tappan, in New York City, on September 10<sup>th</sup>, twelve days after the arrival of the *Amistad*, devised an alternative while expressing his doubts: “one ought to be procured from Africa, if none can be found nearer home. In case of life and death, surely, the Court would allow time for this, as I think has been done in some former cases.”<sup>294</sup> Activating their own network, letters were delivered along the northeastern USA coastal cities. Early in the recruitment process, letters referred to the language of the captives as “African,” as if a single language could express the multiethnicity characteristic of the polylingual continent. General public knowledge among White Europeans mirrored this misconceived discrimination. Pickering, frustrated, misinformed on the enormous ethnic-African heritage and completely committed to finding an interpreter remarked, “Can’t you find a person in NY, who can speak African and send him up to New Haven?”<sup>295</sup> Two strategies were combined: finding someone who could serve as interpreter in order to identify the language of the *Amistad* Africans, and identifying the language of the Africans to find a suitable interpreter.

A call to abolitionists trained as linguistics was broadcasted to assist in this monumental task. Josiah Williams Gibbs and George Day, both Hebrew Scholars at Yale, proceeded to learn the languages spoken by the *Amistad* defendants. Rev. J. W. Gibbs was a philologist at Yale, and Dr. George E. Day worked for the New York School for the

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<sup>294</sup> AMA 4606.

<sup>295</sup> AMA 4660.

Deaf and Dumb<sup>296</sup> [sic]. This grand undertaking attracted non-academic abolitionists as part of an intimate and trusted network.<sup>297</sup>

### **Glossary lists as recruitment tools**

Glossary lists facilitated both pursuits and searches simultaneously. African language speakers who could converse with the prisoners signaled the possibility of language identification, while increasing their chances of finding an interpreter. Vocabulary lists became preliminary testing materials to select some of the interpreting candidates who came to prison. Toward this goal, Christian Abolitionists activated their intimate network to identify “trustworthy”<sup>298</sup> speakers of African and European languages. Handwritten letters traveled by “steam boat,” “train,” and “buggy” from Boston, MA to Washington, D.C., listing possible languages and word lists.

On September 12th, 1839, a letter from Isaac Parrish to Joshua Leavitt, listed edible items: Tobacco-Yamba, Bread-Tammee, Munko, Rice-Malo or Baina, Meat-Soubee, Fish-Yucka, Yeo, Palm bit-Turik Baby, and White Man-Torteny.<sup>299</sup> (See Fig. 41). In the recruitment process, these lists were read to the jailed Mendi Africans hoping that their verbal and body language would signal recognition, alerting their ‘support team’ of a match.

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<sup>296</sup> In the 19<sup>th</sup> century, the usage of the term “dumb” did not necessarily have the pejorative connotation attributed to it today. However, the hard of hearing community believes that it carried more of a negative charge than we often think. Aware of the marginality of this community in society, and their constant struggle to be acknowledged and heard, I caution the reader to attaching a negative understanding of this term. For more on this term, please refer to the National Association of the Deaf. <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>

<sup>297</sup> JZDL 2015, TFM.

<sup>298</sup> AMA FI 4606.

<sup>299</sup> AMA FI 4613.



Shinn gave me the following words - which he says might be a list of the language spoken by the Africans - I do not know how to spell them - but they are as near the pronunciation as I can make it

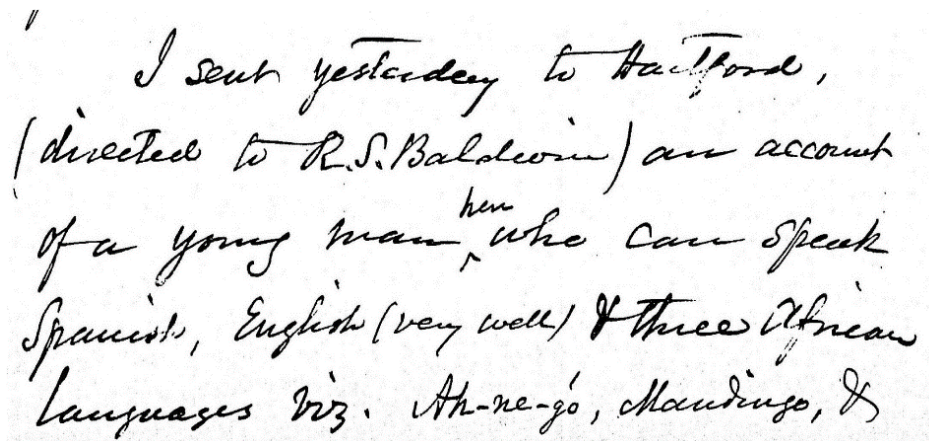
Tobacco -	Yamba	
Bread -	Samnee	Minko
Rice	Maloo or Banda	
Meat -	Soubee	
Fish	Yaeka	Geo
Palm oil -	Wink baby	
White Man -	Porting	
Spent men Leguors	Bese - Forte	

Fig. 40<sup>300</sup>

In addition to lists of comestibles, the network generated lists of languages. The Compilers of these lists considered the colonizing languages of the African Western Coast, geographical knowledge, and tribal traditions to conjure the language(s) needed. Spanish, Arabic, Portuguese, Mandingo, Mandingo Goulah, Gissi, Kissi, Lasso, Bambarra, Yimmanee, Sousou, Lambar, Mah-heé-no, Ah-ne-gó, African, and Congolese were some of the languages identified. On September 20th, 1839, Ellis Gray Loring from Boston wrote to the Tappan brothers informing them that “[he] sent yesterday to Hartford, (directed to R.S. Baldwin) an account of a young man here who can speak Spanish, English (very well) and three African languages viz. Ah-ne-gó, Mandingo, and Mah-heé-no.” Letters showed a preference for a multilingual interpreter and the multiplicity of spoken languages in Africa. Having more linguistic options increased the chances of matching the language of the defendants. The letter ends with clear steps to be followed, “I have requested a friend there to make a short vocabulary from his lips, and to send it to Hartford, directed to Lewis Tappan, or R. S. Baldwin.”<sup>301</sup> (See Fig. 42).

<sup>300</sup> AMA FI 4613

<sup>301</sup> AMA FI 4631.



I sent yesterday to Hartford,  
(directed to R.S. Baldwin) an account  
of a young man, who can speak  
Spanish, English (very well) & three African  
languages viz. Ah-ne-go, Mandingo, &

Fig 41<sup>302</sup>

Investment to secure resources that could further assist in language identification and interpreter selection characterized this process. A search within a search, abolitionists relentlessly chased several books, including *Travels through Central Africa to Timbuctoo, Vol 1 and 2*, by Jomard René Caillié. Five of all the primary sources studied mentioned this glossary. In 1839, it was believed to be an excellent resource for African languages.

Mr. Pickering in a letter to L. Tappan expresses:

Dear Sir,

I received your letter of the 7th last evening, and lose no time in replying to it, as far as I am now able.

There are few vocabularies of the Mandingo language.... The most extensive one that I came acquainted with is that of the French Traveller. René Caillié, whose travels were published a few years ago and translate [sic] in England, in 2 vols. 8vo 1830—the title of the work is Travels through Central Africa to Timbuctoo. This vocabulary is the more valuable, as it was prepared under the eye and with the assistance of M. Jomard, an able linguist in Paris—it contains about 200 words and phrases. M. Jomard has also compared it with that of Park and some other travellers—and he refers to some other works containing vocabularies. The original French work would be best authority, if to be found [all emphasis in original].<sup>303</sup>

As the search for this book continued, Pickering recommended concentrating the search on New York City as strategy to find the interpreter. His letter to Tappan evidenced the

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<sup>302</sup> AMA FI 4631

<sup>303</sup> AMA FI 4660.

urgency of this matter, “but can you not find a native Mandingo in the city of New York?”<sup>304</sup> In nineteenth century, New York City was already a cosmopolitan city. Ships from Europe, Africa, the Caribbean and Latin America, and the southern USA anchored to take on and deliver supplies, or passengers, creating a rich exchange of languages and cultures.

The search secured the book for the cost of \$7.50 (USD)<sup>305</sup> The discovery came not from New York City, but from Washington, D.C. Another letter addressed to L. Tappan dated September 14, 1839 read: “Dear Sir, We have in this office “Caillie’s Travels to Timbuctoo” which shall be at the service of the Committee if desired. It is in English.”<sup>306</sup> Lacking standardized protocol to certify language expertise of an interpreter, this book provided a way to ‘test’ the language competency while striving to identify the language of the *Amistad* Africans:

Professor Gibbs-

Dear Sir,

Boston, Sept 16<sup>th</sup>, 1839

This letter goes by an African by the name of Samuel Barney, now residing in Salem, in this state. He is of the Mandingo [emphasis in original] nation and speaks his native language, besides having some knowledge of a few words in other dialects. I have been trying him with the vocabulary in Caillie’s Travels, and am of the opinion, that his services may be useful in communicating with the captured Africans of the schooner *Amistad*.<sup>307</sup>

Tracking these sources became normative in the recruitment process and newspapers a vehicle to make it happen. Following this trend, on September 12<sup>th</sup>, *The Emancipator*, encouraged its readers to find, “A Grammar and Vocabulary of the Susoo language, Edin 1802, 5vo. A Spelling Book for the Susoos, Edin. 1802, 8vo. Six

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<sup>304</sup> Ibid.

<sup>305</sup> AMA FI 4671.

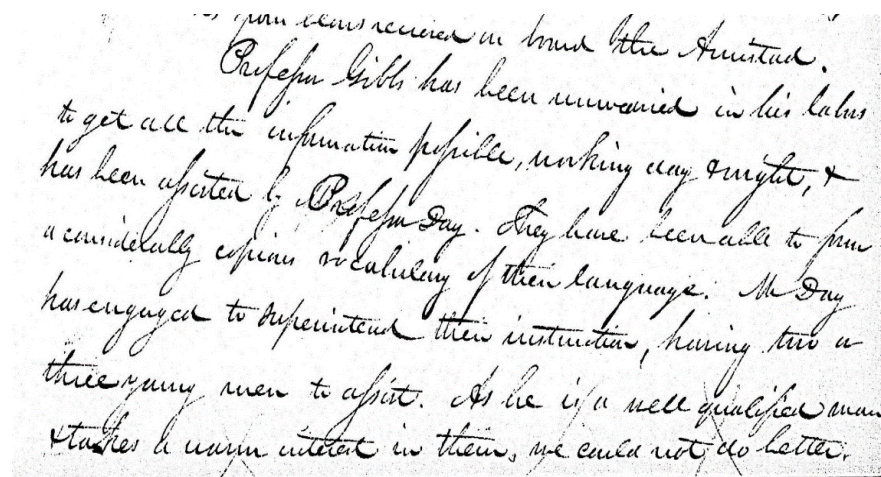
<sup>306</sup> AMA FI 4620.

<sup>307</sup> AMA FI 4625.

Catechisms for the Susoos, Edin. 1802, 8vo.”<sup>308</sup> Gibbs had already collected *Adeburg’s Mithridates*, *Park’s Travels*, *Mollison’s Travel in Africa*, and Prichard’s *Physical History of Mankind*.<sup>309</sup> Scholars assert Gibbs’ indispensable contributions to the Mendi interpreter’s search. Using coins as objects of communication, Gibbs learned from the Africans to count from one to ten, the ultimate strategy. The most effective recruitment strategy yielded two Mendi interpreters: James Covey and Charles Pratt.

Compilation of a vocabulary list continued after finding the Mendi-fluent interpreters. Professor Day, responsible for the teaching of the Africans and deepening knowledge of their language, also collaborated in this endeavor. In a letter dated October 5, 1839, from abolitionist Amos Townsend in New Haven, sent to L. Tappan, in NYC, Townsend narrated:

Professor Gibbs has been unworried in his labor to get all the information possible, working day and night, and has been supported by Professor Day. They have been able to form a considerably copious vocabulary. Mr. Day has [been] engaged to supervise their instruction, having two or three young men to assist. As he is a well qualified man and takes a warm interest in them, we could not do better. (See Fig. 44).<sup>310</sup>



— you sees received in bond the Amistad.  
Professor Gibbs has been unworried in his labor  
to get all the information possible, working day & night, &  
has been assisted by Professor Day. They have been able to form  
a considerably copious vocabulary of their language. Mr. Day  
has engaged to supervise their instruction, having two or  
three young men to assist. As he is a well qualified man  
& takes a warm interest in them, we could not do better.

Fig. 42<sup>311</sup>

<sup>308</sup> *The Emancipator*, Sept 12<sup>th</sup>, 1839.

<sup>309</sup> *Ibid.*

<sup>310</sup> AMA FI 4660.

<sup>311</sup> *Ibid.*

## **The search continues: eleven ideal requirements as guide**

In addition to word lists, letters contained required characteristics for the *Amistad* interpreter indispensable in the peculiar context of colonial slavery and repression. Without established professional court interpreting standards, “hiring” staff were pressed to come up with a job description. Mainly, using their historical context as a guide, and the murder charge against the Africans, the composers of these missives drew up the following list of essential requirements to be exemplified by the ideal court interpreter for their anti-slavery mission. Trustworthy and subjective qualities guided their search, diverting from current professional standards. As Tryuk asserts, “the history of interpreting has shown clearly and often that the principles contained in ethical codes, such as neutrality, objectivity, impartiality and non-involvement, are not and cannot always be applied by interpreters who choose to or are forced to actively participate in a given interpreting process.”<sup>312</sup> This historical trait prevailed in the *Amistad* story of the interpreters.

Earlier research identified a total of sixteen requirements. Since then, the list has been condensed to eleven. The revised list follows:

1. An African or one who has lived in Africa
2. Known by the trusted circle
3. Embedded in the community
4. A churchgoer
5. With family ties
6. Who spoke the language of the “unfortunate Africans” fluently
7. Faithful
8. Trilingual—a spy who spoke Spanish!
9. Ethnically competent
10. An advocate-sympathizer of the cause
11. Trustworthy—chosen by the imprisoned Africans

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<sup>312</sup> Tryuk, 19.

Except for the language-fluency competence, this list holds little resemblance to professional requirements for court interpreting in the twenty-first century. Current ones, for example, enumerate educational components, most listing a Bachelor's degree as a minimum qualification, in addition to obtaining a court interpreting certification.<sup>313</sup> Generally speaking, these requirements respond to "objective" criteria. In the case at hand, the remaining ten requirements for the *Amistad* interpreter emphasized "subjective" qualities conjured to counter the vulnerability and life-threatening state of the Africans and abolitionists. Out of the ten, nine of these subjective qualities reinforced "trust" or "trustworthiness," perhaps of all the most important. The following section reviews these requirements.

The first requirement, being of "African descent" provided two possibilities: high language proficiency as well as an added layer of trust. For example, three days after their arrival, on August 29<sup>th</sup>, 1839, Janes wrote to Baldwin and Leavitt requesting them "to find some 'old African' in your vicinity who can speak the native language, so that you may learn the facts from them."<sup>314</sup>

Abolitionists drawing the search closer to them, sought someone known by their intimate circle who was born in Africa. An "old African" offered familiarity and proximity to the cultural context from which the Africans had been extricated. Pickering wrote to Gibbs on discovering Samuel Barney, an interpreter candidate. African born and raised, Barney was a a family man, whom he had known for some time:

He should proceed to the place of trial; when you will soon discover [illegible] that the captives recognize him as a country man. I should add that I have known him for more than twenty years. And he had even sustain the character of an honest, industrious, hard working man; he now has a family of grown up children—and I should place full reliance upon his

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<sup>313</sup><http://www.ncsc.org/Topics/Human-Resources/Job-Descriptions/Court-Interpreters/Court-Interpreter.aspx>. Accessed April 12, 2018.

<sup>314</sup> AMA FI 4593.

statements. I hope he may be made useful in this interesting and important case.

I am, Dear Sir,  
With great regard,  
Yours, John Pickering”<sup>315</sup>.

The Abolitionists sought to procure linguistic excellence without compromising security for all involved. A stranger, unknown to the reliable network, though bilingual, would not be appropriate for this job.

Whether the candidate had arrived recently from Africa, lived in the Northeastern part of the USA for some time, or had traveled north through the Underground Railroad,<sup>316</sup> linguistic fluency and quality remained a constant requirement. Letters continued to remark on nearby Africans. The abolitionists went to any length to find a trustworthy interpreter, even when it meant adjusting their competency standards. A September 10, 1839 letter informed Tappan about a “Mandingo [emphasis in original]” who had “been in this country many years and may have lost his native language.”<sup>317</sup> As a direct consequence of insufficient practice or immersion, some interpreting candidates suffered linguistic erosion.

As the trial date drew nearer without a trace of an interpreter, anxiety mounted. The information transmitted through the linguistic conduit carried great expectations, one who could “get” data to support the legal hypothesis. Janes in a letter to L. Tappan shared, “we shall be anxious to hear what the interpreter gets from the Blacks.”<sup>318</sup> A September 4<sup>th</sup>, 1839 letter, from abolitionist Seth. P. Staples to counsel Baldwin, enthusiastically hoped for a positive outcome: “I understand an interpreter goes up this Boat who

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<sup>315</sup> AMA FI 4625.

<sup>316</sup> The Underground Railroad was a route from the South of the USA on which individuals protected and hid fugitive slaves traveling to northern USA states, even Canada, for freedom.

<sup>317</sup> AMA FI 4606.

<sup>318</sup> AMA FI 4599.

understands several negro dialects and should be glad to hear what you many learn thro' him."<sup>319</sup>

Candidacy search was not limited to only those born and raised in Africa. On September 12<sup>th</sup>, 1839, Isaac Parish, a physician-abolitionist from Philadelphia, redacting his informative missive to Leavitt in New York, reiterated “ethnic competency” as an important trait in the desired candidate. Parish shares his joyfulness in finding another candidate, though ‘white,’ in this letter packed with details on language acquisition, the role of language, and the experience of cultural immersion as qualifying experiences in this search. Parish described:

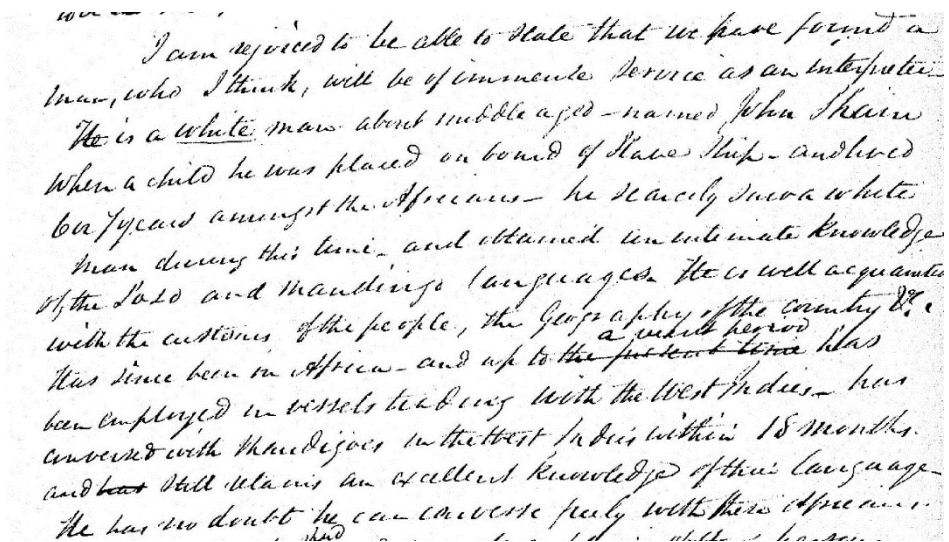
I am rejoiced to be able to state that we have found a man who I think will be of immense service as an interpreter. He is a white [emphasis in original] man about middle-age named John Shain. When a child he was placed on board of salve ship and lived 6 or 7 years amongst the Africans. He scarcely saw a white man during this time and this time and obtained an intimate knowledge of the Sazo, and Mandingo languages. He is well acquainted with the customs of the people, the geography of the country! Has since been in Africa and up to ~~the present time~~ [stricken in original] a recent period has been employed in vessels trading with the West Indies. Has conversed with Mandingos in the West Indies within 18 months and still retains an excellent knowledge of their language. And he had no doubt he can converse freely with these Africans.<sup>320</sup> (See Fig. 43).

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<sup>319</sup> “Sept 4<sup>th</sup>, 1839,” Staples to Baldwin, The Baldwin Family Papers.

<sup>320</sup> AMA FI 4613.



A snippet of a handwritten letter in cursive script. The text describes a man named John Shain, who is a white man about middle-aged. He was placed on board of a slave ship as a child and lived for 17 years amongst the Africans. He learned their language and obtained intimate knowledge of the land and the people's customs, the geography of the country, etc. He has since been in Africa and up to the present time has been employed in vessels trading with the West Indies, has conversed with the natives in the best Indian within 18 months, and still retains an excellent knowledge of their language. He has no doubt he can converse freely with these Africans.

I am rejoiced to be able to state that we have found a man, who I think, will be of immense service as an interpreter. He is a white man about middle aged - named John Shain when a child he was placed on board of Slave Ship - and lived 17 years amongst the Africans - he learned their language - and obtained intimate knowledge of the Land and the people's language. He is well acquainted with the customs of the people, the Geography of the country &c. He has since been in Africa - and up to the present time has been employed in vessels trading with the West Indies - has conversed with the natives in the best Indian within 18 months. and still retains an excellent knowledge of their language. He has no doubt he can converse freely with these Africans.

Fig. 43<sup>321</sup>

Shain grew up on an enslaving vessel: “when a child he was placed on board of slave ship.” The reasons or purpose for this were not clarified in this or subsequent letters. One wonders if he became a “white” equivalent of ‘Antonio’—a slave, a cabin boy—or did this represent some sort of language training practice at the time? Was he another ‘orphan’ aboard a slave ship? Certainly, this immersion, inculturation, or even assimilation experience brought a potential interpreter candidate closer to the traumatic Middle Passage experience of the *Amistad* Africans. The author continued to legitimize the validity of this particular candidate, despite a brown skin-tone deficit. Color notwithstanding, Barney was someone who befriended “slaves” and who could “empathize” with their suffering.

Authentication filters became heightened when a “white” candidate was found, thus adding the “advocacy” and “sympathizer with the cause” component, in addition to “linguistic competency.” Furthermore, this letter’s second page states references rooted in the community, confirming his reliability as a linguistic mediator in the case. The letter stresses “that all he says may be relied on.” Membership in a “place of worship,” and

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<sup>321</sup> Ibid.

participation in the life of a church, and non-drinking practice were mentioned to substantiate his trustworthiness. Parish elaborates:

Shain is an intelligent and worthy man and abhors slavery and the slave trade. Says when amongst the Africans he received many act of kindness from them and has always felt grateful for it. He came forward voluntarily to D P Brown and offered to go and said if he were not a poor man he would willingly engage in the case, without any remuneration—and appears to be entirely disinterested. [word stricken] I am assured by his present employer James Mulford, a respectable grocer of this city, that all he says may be relied on that he is a member of the Baptist denomination and although a seafaring man, he is in every respect a worthy, honest, sober person. He also speaks Spanish.<sup>322</sup> (See Fig. 44).

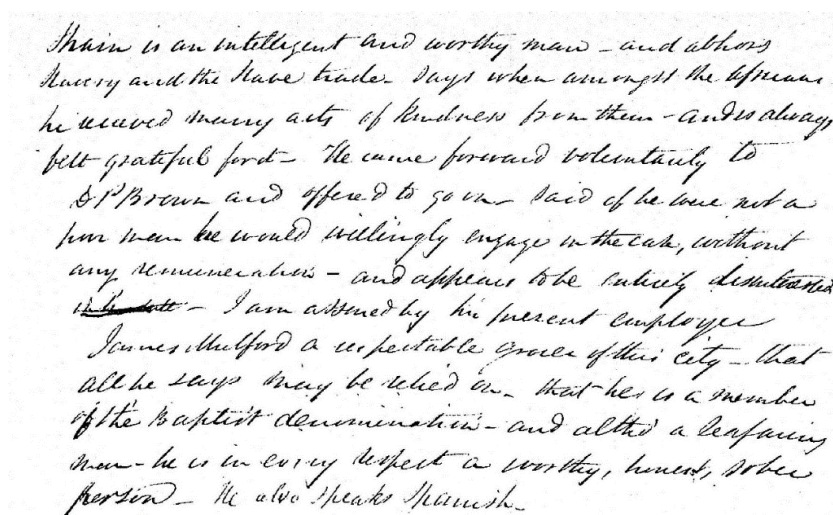
A handwritten cursive letter excerpt on aged paper. The text is written in dark ink and matches the typed transcription provided in the adjacent block. The handwriting is fluid and characteristic of the late 18th or early 19th century. There are some ink blots and variations in line thickness, typical of a handwritten document. The text is arranged in several lines, with some words being underlined or written in a slightly larger hand for emphasis.

Fig. 44<sup>323</sup>

In a follow-up letter, on September 15<sup>th</sup>, 1839, Parish informs L. Tappan in “a haste” that he has gone with Shane to visit an ‘old Mandingo man’ who may qualify as an interpreter.

Similarly to utilization of lists and vocabularies<sup>324</sup> in the recruitment process, this letter exemplifies employment of African speakers as “language competency evaluators.” Language assessment of interpreter candidates represented a constant and important variable in most of the letters, as in this one. The determination of the impromptu search

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<sup>322</sup> Ibid.

<sup>323</sup> AMA FI 4606.

<sup>324</sup> Towards the end of this last letter, Parish mentioned not only Rene Caillie’s Travels, but ‘Brodchit? [illegible] Travel’s in Africa,’ “which contains a number of vocabularies and is in the Philadelphia Library.”

committee resulted in them finding an interpreter to liberate the Africans in order to abolish slavery from USA society. Affectivity, such as joy, disappointment, or hurriedness, characterized the handwritten letters by abolitionists. Writers expressed their excitement, hope, or despair depending on how fast the trial date seemed to be approaching:

I write in haste at 11PM to state that I have just returned from a very interesting visit to an old Mandingo man in company with John Shean [sic] F. Coffin V. [word stricken] Shean and he conversed fluently and readily in the Ausoo Language. And it was hard to tell which of them was the most pleased. The old man is nearly 80 years of age speaks several African languages—French—and English the latter very imperfectly. If he should be wanted we will send him on. He is very anxious to go.<sup>325</sup>

Pronunciation, in English, and high-level fluency as in the “Ausoo language,” represented commonly treated topics in the letters. The letter writer acting as a recruiter observed and listened to two possible interpreting candidates. One was evaluated for his English language competency: “and English the latter very imperfectly.” The evaluator imagined linguistic sounds inside the court room; how they may impact comprehension, credibility, and winning the case in favor of the *Amistad* Africans, concerns that again manifested in another letter. Pickering wrote to Prof. Gibbs, on September 16<sup>th</sup>, 1839, warning him of the limitations of “Samuel Barney” as a possible interpreter in a court of law given his pronunciation.

His English pronunciation, I am sorry to say, is imperfect; but if you or some other person will sit down with him, your ear will soon get accustomed to it, and you will then find no difficulty in understanding him though it may be difficult, in a public room (like a court house) to follow him.<sup>326</sup>

The courtroom was one of two contexts in which the interpreter would perform his duties. The former required on-the-record interpreting, at hearings, depositions, and at trial; the

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<sup>325</sup> AMA FI 4624.

<sup>326</sup> AMA FI 4634.

second in off-the-record interpreting scenarios, attorney-client conferences, also known as quasi-judicial interpreting. Furthermore, they were aware of the impact that the voice of the interpreter would have inside the courtroom, all to affect comprehensibility and even credibility. In a letter from Harris to Rev. Leavitt, on September 13, 1839, the author analyzes the skills and reaches his determination:

I called upon a Mr. Mosses who has spent some years in Africa who can speak the Sousou well. [all emphasis in original] The Mandingo he knows but little about cannot act as an interpreter in that dialect but the Sousou he understands as well as he does the English—if the interpretation of that will be of any use he is the man.<sup>327</sup>

In a subsequent letter from Pickney to Gibbs, from September 20<sup>th</sup>, 1839, reporting on the return trip of John Shane from New Haven, in the voice of Pickering they express their disappointment when Shane was not able to communicate well with the Africans. The letter reads:

Esteemed Friend,

I see...[illegible] of the 18th by return of John Sheain [sic] and was almost as much disappointed as Sheian himself, that he failed to converse with the Prisoners—althou' I cannot doubt from his account that had he the full confidence of Joseph Cinquez. He could communicate with him.<sup>328</sup>

This letter brought to a close the unwavering attempt by Parrish from Philadelphia to have 'Sheian' [sic] resolve the urgent interpreter search. This brings forth the important role that trust played in this intense search. Early in the process "trust" and "trustworthiness" issues became apparent. The Africans' trust was an element of agency in selecting their ideal candidate. The writer reported the encounter. While Shain did not meet the linguistic necessities, he nonetheless mediated trust between Shain and Cinque: "I cannot doubt from his account that had he the full confidence of Joseph Cinquez." In the end, the final

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<sup>327</sup> Ibid.

<sup>328</sup> AMA FI 4634.

say depended on the African captives in the selection of the court interpreter, as recorded in the letter from Townsend to Leavitt.<sup>329</sup> (See Fig. 40).

Given the reprisals against the abolition movement, in 1839, trustworthiness was a particularly important trait. The tense context generated a deep-seated distrust in both *Amistad* captives and Christian Abolitionist, towards the community-at-large. The constant concern contained in the letters that culminate in apologetic-style narratives justifying the consideration of one possible candidate or another, speak to the precarious feeling of all players on the Mendi African side. It was a reasonable worry. Accused of a felony, if found guilty the “kidnapped Africans” faced death on the gallows in Cuba. On the other hand, as discussed in the chapter on historical background, the pro-slavery group targeted the lives of Christian Abolitionists. This preoccupation shaped the qualifications for the desired oral translator in this case; being “faithful and trustworthy” was one of them.

The Abolitionists were cognizant of this reality from day one, when Janes, on August 31<sup>st</sup>, 1839, wrote to Baldwin and Tappan. In his letter, he expressed his concern for the distrust the *Amistad* Africans displayed via non-verbal language communication. Janes earnestly recommended Abolitionists to convey to the Africans via an interpreter that they were on their side. Speculating early in the process that the Africans spoke Spanish, Janes advised, “if you can find some one [sic] who speaks Spanish you will perhaps be able to communicate with the Blacks [...] You must let them know that they are among friends or they will be unwilling to say much.”<sup>330</sup> The *Amistad* scenario introduced trust as a condition for effective communication. In this ‘unfriendly’ environment, the Abolitionists sensed the Africans’ reticence. Without their trust, it was

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<sup>329</sup> AMA FI 4660.

<sup>330</sup> AMA FI 4594.

doubtful that the Africans would participate in their own defense. The Abolitionists needed to demonstrate to them that they were trustworthy. Newspapers articles underlined the importance of this connection between “trust” and “friendliness” for communication to exist. A letter from Tappan published in *The Emancipator*, on September 12<sup>th</sup>, 1839, explained how John Ferry, in his interpreter role, assisted in this task. The letter conveyed how the legal team “endeavored to impress upon their minds, in the first place, that [they] were their friends, and that they must speak the truth.”

Another letter from Pickering to Tappan, addressing recruitment issues, discussed the importance of the “trustworthy” aspect of the oral translator: “it will be all important to the prisoners to have a faithful [emphasis in original] and trustworthy interpreter”<sup>331</sup> A letter by Rev. Burgess, introducing Augustus W. Hanson,<sup>332</sup> another interpreter candidate, touched upon this important consideration, “he was educated in England, but has spent many years in his native land, and is familiar with the languages of the Gold Coast...and he is, as I feel assured, perfectly trustworthy.”<sup>333</sup> Although, Mr. Hanson did not serve as interpreter in the case, the September 26<sup>th</sup>, 1839 issue of *The Emancipator* indicated that Mr. Hanson was “studying for the ministry with the Episcopal” church in New Haven, CT.

Feelings of distrust by the African captives and abolitionists alike precipitated another required characteristic: the ability “to spy.” Distrust extended to the judicial system and the information extracted through interpretation in the proceedings. Given the precarious reality of Africans, having a “double agent,” a trilingual interpreter, opened the

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<sup>331</sup> AMA FI 4606.

<sup>332</sup> According to research by Joseph Yanelli, Hanson was an African American Abolitionist from Hartford, Connecticut, USA involved with Prof. Gibbs in language identification of the Africans and compiling vocabulary guides which they published later together.

<sup>333</sup> AMA FI 4601.

door to shift the language-power imbalance. In total, parties and players of the *Amistad* Case spoke three main language: English, Spanish, and Mendi, in descending order of power access. Initially, Spanish represented the imperial language of the enslavers, along with English. Power tilted towards José Ruiz and Pedro Montes, who appeared in court only once, during the September hearing. After their arrest in New York City, their presence was not requested in court. Shortly after making their bail, they left for Cuba, never to return. The US District attorney and their lawyers advocated for the Africans' legal claims. The need for Spanish, as a legal language, continued. Antonio, the "slave boy" of the deceased Captain Ferrer, only spoke Spanish, and needed an interpreter in order to testify in court. At this juncture, Mendi and Spanish coexisted at the bottom of the power spectrum in this case. The non-Spanish speaking Africans had no need of a Spanish interpreter. Their legal consul conjured a different purpose for the Spanish interpreter, as a way to pick up any side conversations with the Spaniards. This allowed them to scrutinize the Spaniards' testimonies, and to unfold any problems with the interpreted version of the Spanish interpreter. Spy, as a coined term, encapsulates a "hidden expectation." In addition to interpreting for the Mendi, this ideal candidate would alert the legal team of testimonial or interpreting discrepancies detrimental to the Africans. Regarding Shain,<sup>334</sup> the possible candidate introduced earlier, Parish writes on the 15<sup>th</sup> of September:

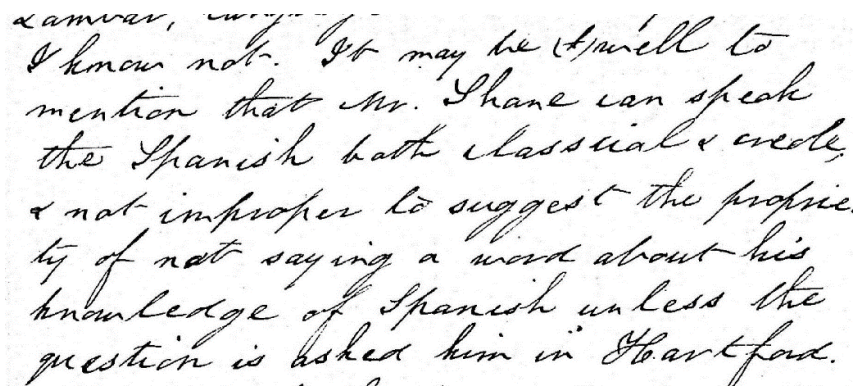
He speaks Spanish very well—we have suggested that this knowledge may be of service to our cause in detecting any misrepresentations on the part of the Spaniard, and this African interpreter—if such should be attempted. We have advised him not to let his knowledge be known to the opposite side.<sup>335</sup>

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<sup>334</sup> The spelling of the name of this candidate varies in the letters; nonetheless, I contend that they all refer to the same person.

<sup>335</sup> AMA FI 4624.

Regarding the Spanish speaking abilities of Shain, Coffin wrote from Philadelphia. Coffin advised the advantage of this linguistic competency for the trial, “Mr. Shane can speak the Spanish both classical and creole and not improper to suggest the propriety of not saying a word about his knowledge of Spanish unless the question is asked him in Hartford.”<sup>336</sup> (See Fig. 45).



*I know not. It may be well to mention that Mr. Shane can speak the Spanish both classical & creole, & not improper to suggest the propriety of not saying a word about his knowledge of Spanish unless the question is asked him in Hartford.*

Fig. 45<sup>337</sup>

The experience of slavery of the Mendi Africans and the repression lived by the Abolitionists produced eligibility requirements of any interpreter that reflected their mistrust of their surroundings. Subjective elements guided the hiring process, such as the ones seen in this section, i.e. they wanted someone connected and known to the Abolitionist network, a “spy,” and a sympathizer of the anti-slavery movement. The presence of trust allows the parties to believe the interpreting rendition and fosters communication. The qualities and desires permeated the recruitment process. The final candidate lacked Spanish competencies; however, he was African-born, a Mendi-English bilingual, a sympathizer of the cause, and, above all, fully trusted by the Africans. Townsend described the sentiments which infused the encounter at the jail between James Covey, the interpreter, and the African captives. In the effusive contact, the interpreter was “dragged in and breakfast was forgotten,” the ultimate sign of a perfect match.

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<sup>336</sup> AMA FI 4626.

<sup>337</sup> Ibid.



By the time Covey met the Africans at jail, he had been dragged violently from several places. At an early age he was dragged out of his parents' house "by three men, in the evening, his parent's house, at Go-la-hung."<sup>338</sup> Subsequently, for three years, he was dragged into African slavery, "sold as a slave to Ba-yi-mi, the king of the Bul-loms...and was employed to plant rice for [the King's] wife...who treated him with great kindness."<sup>339</sup> Then he was dragged again, this time unto a Portuguese enslaving ship "for the purpose of being transported to America."<sup>340</sup> After a few days at sea, the vessel "was captured by a British armed vessel, and carried into Sierra Leone."<sup>341</sup> Covey obtained his freedom then, and was thrust into the English-taught schools of the Church Missionary Society (CMS). Covey, whose original name was Kaw-we-li, meaning, "war road" in Mendi, was re-named, "James," by Rev. J. W. Weeks, a church missionary in Sierra Leone. For five to six years he lived at CMS. Afterwards, the Brig Buzzard enlisted him, on November of 1838, as a sailor. Once again Covey was dragged from Sierra Leone, into NYC ports to be recruited as interpreter "by the kindness of captain Fitzgerald."<sup>342</sup>

By the time that James Covey interacted with the *Amistad* Africans, three -previous interpreters had served this story: Antonio, "the cabin boy," Lieutenant Meade, and John Ferry. After finding Covey, recruitment stopped. Nonetheless, seven others interacted as interpreters with Antonio and the *Amistad* Africans: George Day, Thomas Hopkins Gallaudet, John Hyde, Charles Pratt, Mr. Ribeiro and Mr. Desa—the two Portuguese interpreters, and Mr. Sedgwick.<sup>343</sup> They occupied roles in court proceedings, whether on-

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<sup>338</sup> Barber 1840, 15.

<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Kinna and Ka'le also served as interpreters in social and church events after the trial, in late 1840 and 1841. This was specially so after Covey expressed a desire after the trial to return to Africa. The committee

the-record or off-the-record, as well as in social-religious contexts. The next section weaves together the stories of the interpreters within the *Amistad* history. It explores their lives, roles, and impact in the making of the *Amistad* Case and legal strategies.

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sought to train Kinna and Ka'le in case they were needed for the appeal process. This research topic will be developed in future academic articles.

### Chapter 3. Antonio Ferrer aka “Antonio, the cabin boy”

Antonio Ferrer survived the revolt. His life was spared along with José Ruiz and Pedro Montes for his interpretive skills. Antonio featured early in the historical narratives, letters, and newspaper articles. Born in Sierra Leone between 1825 and 1826, he arrived in Cuba circa 1835-1836 as a result of the slave trade.<sup>344</sup> Before the night of the revolt, he had served for three years as a cabin boy for Captain Ferrer, the owner of the *Amistad* schooner. Antonio declared in court how the cook, using signs, communicated to the Africans that they would be killed and eaten by the crew.<sup>345</sup> After various months of transatlantic agony, this miscommunication or lack of sensitivity—or bad jokes by the cook, a slave himself—compounded by a fear for their lives, served as a catalyst for revolt in pursuit of their dignity and right to live. In his testimony, he reported that as a member of the *Amistad* crew, Antonio witnessed the role of the *Amistad* in enslaving activities. In addition to affirming that Ramón Ferrer was his master,<sup>346</sup> he declared that “the Scho’ *Amistad* had carried slaves before, every two months made trip. Ruiz had before carried slaves.”<sup>347</sup> It was an assertion that disproved the Spaniards’ claims of the inculturation process of the *Amistad* Africans. Transporting illegal slaves was a common practice for Ruiz and Montes.

The night of the revolt, four days after *La Amistad* left Havana, Cuba, the Africans considered killing the young boy Antonio. According to Barber’s account, Antonio’s life was valuable, as he functioned as an interpreter. Barber recorded Ruiz’s sworn testimony

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<sup>344</sup> Lawrance 2014, 9.

<sup>345</sup> The *Amistad* Case, U.S. District Court for the District of Connecticut, Thomas R. Gedney et.al. v. *Amistad* Schooner, 172). [www.Fold3.com](http://www.Fold3.com).

<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*, 173.

in English, during the first judicial proceeding in this case,<sup>348</sup> regarding the role of Antonio:

The slaves told [Ruiz and Montes the] next day that they had killed all; but the cabin boy said they had killed only the captain and cook. The other two he said had escaped in the canoe—a small boat. The cabin boy is an African by birth, but has lived a long time in Cuba. His name is Antonio, and belonged to the Captain [...] Antonio is yet alive. They would have killed him, but he acted as interpreter between us, as he understood both languages.<sup>349</sup>

On trial, Antonio testified, mentioning his role as interpreter aboard the *Amistad*. An 1839 historical account entitled, “A True History of the African Chief Jingua and His Comrades: with a description of the kingdom of Mandingo, and the manners and customs of the inhabitants—an account of king Sharka, of Gallinas. A sketch of the slave trade and horrors of the middle passage: with the proceedings on board the “Long, Low, Black Schooner, *Amistad*,” delineated the role of Antonio as linguistic mediator between the Spaniards and the Africans in the journey between Cuba and the Northeastern island coast. The chronicler explained:

When any vessel came alongside, Jingua would stand by Ruiz, the only man who could speak English, and watch him with fearful intensity.

The organ of communication between Señor Ruiz and the Congolese, was Antonio, the captain’s slave. He is by birth an African but has lived in Cuba eight or ten years. He speaks both Congolese and Spanish. He had been employed as a cabin boy.”<sup>350</sup>

Moreover, the “New York Sun,” on the 31<sup>st</sup> of August of 1839, reported that “Joseph” aka Cinquez addressed his fellow compatriots in “Congolese”—it was later found that most of them spoke Mende—when captured in Long Island. Born in Africa,

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<sup>348</sup> On August 29<sup>th</sup>, 1839.

<sup>349</sup> Barber 1840, 7.

<sup>350</sup> “A True History of the African Chief Jingua and His Comrades: with a description of the kingdom of Mandingo, and the manners and customs of the inhabitants—an account of king Sharka, of Gallinas. A sketch of the slave trade and horrors of the middle passage: with the proceedings on board the ‘Long, Low, Black Schooner,’ *Amistad*,” Yale University Library, Beinecke Rare Book and Manuscript Library, 1839, 14.

though kidnapped at an early age, some faint memory may have helped Antonio to communicate with the Africans. How “Congolese” entered the realm of possible languages spoken by the Africans remains a puzzle. Antonio’s ability to speak Congolese or any other African language with enough competence dissipated shortly after the beginning of the judicial proceedings, despite this newspaper article.

The *New York Sun* editor traveled to New Haven to conduct the interview. According to the article, Antonio, who was interviewed by this newspaper, translated said speech. Though printed in English for its readership, Antonio narrated his Spanish version of the story with the assistance of John Hay Hyde, another interpreter. Mr. Hyde, Esq., editor of the *New London Gazette* newspaper, mediated linguistically between Antonio and another editor. As the story unfolds, the lengthy narration, written in third person, suggests that Antonio was well versed in the language of the Africans. In addition, the high-register of the English interpreter leads to the belief that Hyde edited Antonio’s recollection to improve understanding and credibility. An excerpt from this article memorializes the speech given by “the African chief”:

According to the interpretation of Antonio to Spanish, and from Spanish to English by John Jay Hyde, Esq...[it] was as follows—My brothers, I am once more among you, having deceived the enemy of our race...I come to tell you that you have only one chance for death, and none for liberty. I am sure you prefer death, as I do...It is better for you to do this, and then you will not only avert bondage yourselves, but prevent the entailment of unnumbered wrongs on your children.<sup>351</sup>

Phrases like “having deceived the enemy of our race,” “will not only avert bondage,” or “the entailment of unnumbered wrongs” strongly point towards an adaptation technique of the original rendition by Antonio. Antonio’s ability to express himself at this level of Spanish competency is unlikely. Different from Covey who attended a CMS school,

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<sup>351</sup> “The whole of the particulars concerning the piracy, mutiny, and murders, on board the Spanish schooner *Amistaed* [sic], which was captured on Monday last, and carried into New London, CONN,” *New York Sun*, Aug. 31<sup>st</sup>, 1839

Antonio, who was approximately fifteen in 1839, did not have this opportunity. No sworn declaration by Antonio exists in the court files with or without his affixed signature. If it existed, most likely Antonio would have signed with “a cross.” Hay’s literary embellishment of Antonio’s words, exalt the heroic leadership of Sengbe in order to influence public sentiments in favor of the Africans.

Another inexplicable interpretation event became news when USA officers intercepted the *Amistad* ship. The Africans interacted with Captain Green, who apparently told them that they were to return to the schooner the following day. The surprised reporter adds “how this conversation could have occurred, when not one of the negroes can speak a word of English, is a mystery to us, unless Capt. Green, or his friend, speak Congolese.”<sup>352</sup> The bewildered reporter concluded, “we only tell the story as he told it to us.”<sup>353</sup>

During the first judicial investigation on The *Amistad* hearing, after being sworn in, Antonio testified using the interpreting services of Lieut. Meade. Meade, together with Green and Gedney, had vested interests in the outcome of this case. They also filed a suit against the *Amistad* Schooner, excluding them from being partial in this case, seeking a reward for the salvage. Barber’s account follows a summary format. The questions and corresponding answers are missing from his narration, a constant in these primary sources. Meade only interpreted in court on behalf of Antonio at this time. Legal counsel may have noted the conflict of interest, withdrawing Meade from this task. Antonio, as a minor, was not protected in other ways by the court system.

The judicial system did not protect speakers of languages other than English, nor children of African heritage. In the September proceeding, Judge Thompson delivered his

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<sup>352</sup> Ibid.

<sup>353</sup> Ibid.

decision: “The three girls and Antonio, the cabin boy, are ordered to give bonds in the sum of \$100 each to appear before the said court and give evidence in the aforesaid case, and for want of such bonds to be committed to the county jail in the city of New Haven.”<sup>354</sup> That the judicial system expected orphaned children to pay for this bond is appalling, a portrayal of racist attitudes towards the newly arrived black-immigrant children. Without a family, or connections to the community, the court failed to assign them legal guardians, an appalling decision. Instead, the Court resolved to remand them to jail, a very disturbing legal remedy to ensure their appearance in court. While Meade, Ruiz, and Montez were also charged “\$100” to appear and provide ‘evidence’ in their case, their adult bodies were not committed to jail. Furthermore, they possessed the means to submit payment. Whether these amounts were paid on behalf of the four children, or whether Pendleton, the jailor, in charge of the *Amistad* Africans and the children, offered the required payment, remains unclear. Antonio remained in jail until at least November of that year, the time when Don Antonio G. Vega pleaded to the court for his release. This is evidenced in the documents gathered for the appeal before the Supreme Court of the United States, Mr. Antonio Vega, Vice Consul of Spain, who resided in Boston, MA. Vega interceded, requesting the release of Antonio as the lawful property of the legal representatives of Captain Ramón Ferrer. Vega argued that Antonio wished to return to Cuba and, therefore, he should be released from custody into his care so that he may be returned to his lawful owner in Cuba, the wife of Capt. Ferrer.<sup>355</sup> (See Fig. 46). No other resource corroborated Antonio’s desire to return to Cuba. It is possible that as the case progressed, and he became acquainted with the abolitionists and the Africans in the neighboring cell, his desire to stay increased, while his servant-loyalties decreased. As Lawrance points out, “Antonio’s encounters with

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<sup>354</sup> Barber 1840, 8.

<sup>355</sup> Supreme Court of the United States, No. 42.

courts were particularly complicated because his allegiances to different parties in the suits changed over time.”<sup>356</sup>

and gives this honorable court to understand and be informed, that there now is in the custody of the marshall of the district aforesaid, one Antonio Ferrer, who was on board of the Spanish schooner Amistad, of Habana, of the Island of Cuba aforesaid, against which a libel has been filed in this court by Thomas R. Gedney and others, as seized and taken by said Gedney and others of the brig Washington, within the jurisdiction of this court, and brought into the port of New London, as set forth in said libel. That said Antonio Ferrer, at the time he was so brought into said district, was and now is the lawful property of the legal representatives of one Ramon Ferrer, who was the captain and commander of said schooner Amistad, and who was murdered, as stated in the libel now pending before this court; the said vice consul would inform this court that the said Antonio Ferrer, the slave and property as aforesaid of said representatives, wishes to return to the Island of Cuba, to the keeping and possession of the said representatives of the said Ramon Ferrer, there to remain the property of said representatives as aforesaid, and a subject of her Catholic majesty the Queen of Spain.

Fig. 46<sup>357</sup>

At the end of September when the Grand Jury met, all knew that Antonio spoke only Spanish. *The Emancipator* published, “Antonio, the Creole lad, who was servant to the Spanish captain, and who can speak no other language than the Spanish, has been before the grand jury, and they have applied for the interpreter.”<sup>358</sup> The indicting body identified the need for Spanish-language interpreting and applied for a Spanish interpreter for Antonio. The Grand Jury knew of the importance of having Antonio’s testimony on the record. But there is no confirmation that the court responded positively to this application. Except for Lieut. Meade, the court did not produce another interpreter for Antonio, and only for one proceeding.

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<sup>356</sup> Lawrance 2014, 194.

<sup>357</sup> Supreme Court of the United States, No. 42., 16.

<sup>358</sup> Nov 21<sup>st</sup>, 1839.



On September 19<sup>th</sup> Antonio testified in court through the assistance of Lieut. Meade, after application to the Court by counsel for the Spaniards. Though the article does not reveal who made the application, “John B. Purroy, Esq., a Spanish lawyer of the city of New York, well known there, and William Hungerford, Esq., of this city, appeared with Mr. Ingersoll as counsel for the Spaniards.”<sup>359</sup> The “September Term, 1839” publication, a forty-seven-page pamphlet, on the “Trial of the Prisoners of The *Amistad* on the Writ of Habeas Corpus, before the Circuit Court of the United States, for the District of Connecticut, at Hartford; Judges Thompson and Judson”<sup>360</sup> broadcast great detail about the use of interpreters in the case. Regarding Antonio and his testimony, it noted:

The counsel for the Spaniards, brought in Antonio, the slave of Captain of the *Amistad*, to invalidate the affidavit of Baboo.<sup>361</sup> Antonio being able to speak only Spanish, Lieutenant Meade, of the United States Navy, was introduced as interpreter, Lieut. Meade was first sworn; after which he explained and interpreted the oath to Antonio; and was then again sworn as interpreter. He was then directed what questions to ask, which he did, and interpreted Antonio’s answers.<sup>362</sup>

Another newspaper article published by *The Emancipator* on September 12<sup>th</sup>, 1839, seconded the idea that Antonio only spoke Spanish. In addition, it mentioned another interpreter, “an African interpreter,” though not by name, “Antonio,<sup>363</sup> who can speak only in the Spanish language, which the African interpreter<sup>364</sup> well understands,

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<sup>359</sup> Ibid.

<sup>360</sup> To date, this seems to be the most complete source of the transcripts of the judicial hearings on The *Amistad* Case between August and November of 1839. The equivalent was not published for the January 1840 trial, and no other official transcripts have been found, except for the reporters’ accounts on the newspapers of the time.

<sup>361</sup> Baboo is one of the *Amistad* Africans whose deposition was possible with the interpreting services of John Ferry.

<sup>362</sup> Trial of the *Amistad* Prisoners of the *Amistad*, 29.

<sup>363</sup> The exact origins of where Antonio was born and raised have not been confirmed (Lawrance 2014, 135).

<sup>364</sup> Given its publication date, “the African interpreter” mentioned was John Ferry.<sup>364</sup> A newspaper article published in *The Emancipator* explained, “John Ferry, the African interpreter, was called, and said he had explained to Baboo, the nature of an oath” (Sept 26th, 1839). While the term “African interpreter” may refer to another unknown interpreter of an African language, to date, John Ferry, is the only African interpreter who coincides with the dates in question. The article dated Sept 12<sup>th</sup>, 1839, based on a letter written by Lewis Tappan makes known of a private examination with the *Amistad* prisoners, their counsel, Marshall

said he was rather over fourteen years of age, that he was born at Havana, and had been a servant to the captain of the *Amistad*. He had been attached to the vessel three years.”<sup>365</sup>

While acting as interpreter may have assured his life, once he landed in the USA Antonio was not employed as an interpreter. His role as a witness was more prominent. As a material witness, Antonio’s declarations in court were crucial to the position argued by counsel for the *Amistad* Africans. Mr. Baldwin, cross-examining Antonio, with the assistance of Lieut. Meade as interpreter, testified under oath that the Africans “came in a vessel from Africa, under the Portuguese flag. They could not speak Spanish.”<sup>366</sup> This testimonial continued to support what the Abolitionists already knew: the Africans landed in Cuba recently, in violation of the treaty signed by England and Spain in 1817. Manipulation in his testimony seemed apparent. Lieut. Meade, his interpreter, had vested interest in supporting the Spaniards as a way of guaranteeing his salvage. In the same transcription document, Antonio affirmed under oath that the *Amistad* was not used to carry slaves. Instead it was “always employed in carrying sugar.”<sup>367</sup> This stands in direct contradiction to his earlier affidavit stating that “the Schooner *Amistad* had carried slaves before—every two months made trip. Ruiz had before carried slaves.”<sup>368</sup>

Mr. Hungerford, Esq., counsel for the Spaniards, worried as Antonio’s testimony in court began to implicate the Spaniards. Consequently, Hungerford reinterpreted Antonio’s statements to avoid detrimental effects for his clients. Regarding Antonio’s observation that the Africans did not speak Spanish, he rebuked, “again, that they were unable to speak the Spanish language, is not strange [...] they are put on a plantation and

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Wilcox, Esq., professors Olmstead and Gibbs, and Revs. Bacon and Ludlow cited “Anthony, the black boy, who speaks only the Spanish language, the native African interpreter and myself [Tappan].”

<sup>365</sup> The Emancipator, September 12<sup>th</sup>, 1839.

<sup>366</sup> A History of the *Amistad* Captives. 1840, 29.

<sup>367</sup> Ibid., 30.

<sup>368</sup> National Archives, *Amistad* Schooner, 173, fold 3.

remain there for years, entirely ignorant of a language except their own.”<sup>369</sup> Mr. Staples, an ordained minister and abolitionist, and a member of the legal team defending the Africans, addressed the court after a long exposition by Hungerford discrediting the defense’s argument on the fact that the Africans spoke a language other than Spanish, disproving that they recently came from Africa. The *Amistad* team was not advocating for Antonio early in the case. Staples vehemently protested this in this September 20<sup>th</sup> proceeding. Regarding Antonio’s testimony Staples argued:

Who is that boy? A poor miserable slave that belonged to the master of the vessel which bought these persons here. Is that the source we are to look to for the truth? [...] if he is to be regarded at all [...] He says they knew no Spanish; and he must have known, for he knows that language. So far, then, from contradicting our testimony, the boy supports it. But they say this boy contradicts the affidavit of Baboo [...] It is against the facts and probabilities. Here is a boy, the first time he ‘found himself,’ very young, speaking Spanish. That shows that those that are born there, begin very early to speak the Spanish language.”<sup>370</sup>

Staples used Antonio’s primary language as proof that African descendants living in Cuba for a long time assimilated the Spanish language. If they were *Ladinos/Ladinas*, as claimed in the *Licencias*, this would be true. Antonio’s testimony was “translated by Lieutenant Meade” in court, apparently during the court proceedings from August to November of 1839. It is not clear why or when Meade stopped interpreting for Antonio. By the January trial, however, Meade was a libellant not an interpreter. The court failed to provide a Spanish interpreter for Antonio in the trial. Two Portuguese interpreters attempted to serve Antonio to no avail. The African legal team resorted to innovative strategies to resolve this impediment. This will be discussed in detail in the last section in this chapter reserved for the *Amistad* trial.

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<sup>369</sup> Ibid., 34.

<sup>370</sup> Ibid., 35.

After the January 1840 trial, Judge Judson ruled that Antonio be returned to Cuba, a decision upheld by the Supreme Court. In response, abolitionists conjured alternative plans for both the Africans and Antonio, in case they lost their trial and appeal. According to Lawrance, Antonio was whisked away to the North via the Underground Railroad, though “it is unclear who precisely conducted the passenger, but several fragments of information provide some context for interpretation. It is instructive to note that Dwight P. Janes, a New London grocer, abolitionist, and contributor to the Amistad Committee, relocated to Montreal before Antonio’s departure to work on the railways.”<sup>371</sup>

A letter dated February 16<sup>th</sup>, 1858, from Mr. Sherman, Esq. writing to Simeon E. Baldwin, recalled Antonio stopping by his house on his way to Canada:

When I was about seven years of age, my father, Elias B. Sherman, resided in Enosburg, Vermont. He was one of the original abolitionists and was a ‘conductor’ and ‘station agent’ of ‘The Underground Railroad.’ On morning I found that a handsome young negro had mysteriously arrived during the preceding night; it was Antonio, the cook of the Amistad, who had escaped [...] A night or two afterwards, he disappeared as mysteriously as he had come—my father had taken him to Canada [...] The occurrence made a very vivid impression upon my mind, and I recall the circumstances, as though but yesterday.<sup>372</sup>

After Antonio left for Montreal, Dougall wrote to Leavitt, “I am happy to inform that the boy Antonio of the Amistad celebrity came in here safely two or three days ago and is consequently beyond the reach of all the slave holders in the world.”<sup>373</sup> At some point in the process, the *Amistad* abolitionists advocated for Antonio, including him in their freedom plan. This implies that the abolitionists held private conversations with him and that Antonio, as the case progressed, became aware of his condition of enslavement and of the possibility of another type of life.

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<sup>371</sup> Lawrance 2014, 208.

<sup>372</sup> “Baldwin to Sherman,” Feb. 16<sup>th</sup>, 1858, The Baldwin Papers.

<sup>373</sup> Lawrance 2014, 212.

## **Chapter 4. John Ferry, the first African interpreter in The *Amistad* Case.**

### **After September 1839.**

After a two-week letter writing campaign within the abolitionists' inner network supported by a week of the published advertisement, the recruitment efforts for an African interpreter bore fruit. John Ferry became the first native African interpreter in this search, the second interpreter of African-descent in the *Amistad* story, and the third after Antonio and Lieut. Meade. The first handwritten letter in this corpus that mentions Ferry comes from Simeon Jocelyn, from New Haven, to Lewis Tappan on September 16<sup>th</sup>, 1839, in New York City: "Mr. Ferry will go to Hartford today."<sup>374</sup> After the first judicial investigation, which took place aboard the *Washington* and *Amistad* vessels, the judge set the next hearing for September 17<sup>th</sup>, a day after said letter, in Hartford, CT. Jocelyn's letter apprises Tappan that the Africans, surprisingly, "had been moved by the way of the canal...from Farmington they probably crossed the country to Hartford [illegible] afternoon in wagons."<sup>375</sup> The rest of the message informs Tappan that Leavitt and Mr. Norton will also be arriving in Hartford the next day for the trial. The last sentence asserted that "Ferry will go to Hartford." Ferry met them before the composition of this letter. Without any angst or concern about whether or not he could communicate with the Africans, Ferry headed to Hartford confident of effective communication between the defendants, Ferry, and the legal team.

When Ferry was recruited is unknown. The *Amistad* Committee found Ferry in the city "after repeated trials and much inquiry." Before his collaboration with the *Amistad* Case, Ferry had lost his African-given name for an English one, as experienced by James Covey. In contrast to Covey, who received a new name as pupil in the established

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<sup>374</sup> AMA FI 4628.

<sup>375</sup> Ibid.

missionary schools, Ferry lost his in Latin America, but not to a Spanish name. His slave master was a USer who took him from Suriname to Baltimore, Maryland. Even with an English name, he brought his knowledge of African languages corresponding to those needed in the *Amistad* Case. John Ferry spoke some Mendi. He spoke “Vey,” also known as “Kissi.” His multilingualism proved helpful to give voice to another one of the Africans, Grabeau, as the litigation team earnestly continued to draw a clear picture of the journey of the Africans from Africa to Cuba to the northern USA. A memorandum dated September 28<sup>th</sup>, 1841, listing the languages spoken by the Africans stated: “Another is the Vey, the language of John Ferry our first interpreter. He conversed with Grabbeau in this language.”<sup>376</sup>

A September 12<sup>th</sup> issue of *The Emancipator* points towards a closer date for the confirmation of Ferry’s language competency and as interpreter for the Africans. In the article, reprinted from the *New York Sun*, the author reported that five interpreter candidates visited the prison to test their language skills with the Africans. To their dismay, only one possessed the skills to communicate effectively: “the next morning, we found, to our great disappointment, that only one of the [five], J.F., was able to converse with the prisoners.”<sup>377</sup> Although only one of them is described by name, dates strongly suggest that Augustus W. Hanson joined the group that came from NYC to New Haven to test his linguistic skills with the Africans. Rev. D. Burgess<sup>378</sup> wrote to Rev. Joshua Leavitt in a post script that “Mr. Hansen went to N. Haven this morning and hope he will be able to converse with the Africans. As he understands several languages.”<sup>379</sup> His

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<sup>376</sup> AMA FI 4592B.

<sup>377</sup> *The Emancipator*, Sept 12<sup>th</sup>, 1839.

<sup>378</sup> I have kept the prefix “Rev” when affixed to the name to illustrate the religious interconnectedness of the *Amistad* movement.

<sup>379</sup> AMA FI 4607.

linguistic expertise, unfortunately, did not match the Africans. Hanson's contribution to the case was noted in the case records. An affidavit signed to his name found in the case files was submitted in court along with Ferry's, stating that the "girls" only spoke African languages, and not Spanish. Both seconded the hypothesis sensed by the Abolitionists that the Africans had not assimilated to Cuban culture and language.

On the other hand, although Ferry's language did not stand trial, his encounters with the Africans proved helpful: "he [was] able to converse a little in the Mandingo dialect [...]. Most of the prisoners can understand him, although none of them can speak his Kissi dialect. You may imagine the joy manifested by these poor Africans, when they heard one of their own color addresses them in a friendly manner, and in a language, they could comprehend!"<sup>380</sup> [All emphasis in original.] (See Fig. 53.) This short article also revealed the importance of Jingua's<sup>381</sup> leadership and his commanding spirit among the Africans and abolitionists. While it was important for the Africans to also converse and be understood by the interpreters, final communication with Jingua represented the proof that the ideal interpreter speaking the optimal language had been found.

Ferry delivered the main points of the African's story at the September 17th trial in Hartford, and more. Ferry's interpreting skills assisted the Africans in receiving medical treatment. A letter from Tappan printed on *The Emancipator* revealed that this "African interpreter" not only mediated in judicial contexts, but in medical contexts as medical interpreter. The article entitled "Private Examination of Cinquez, alias Jingua" described Tappan's visit to the "hospital department of the prison" where he spoke with Dr. Charles

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<sup>380</sup> Sept 12<sup>th</sup> 1839, *The Emancipator*.

<sup>381</sup> In most of the newspaper article, the Africans' leader name appeared as "Jingua." Spelling of his name varies. Jingua, as spelled from Covey's pronunciation, "sounded" closer to the original African name, instead of Cinque, Cinquez, and, certainly, Joseph.

Hooker. Tappan gratefully narrated that, thanks to the interpreter, the doctor was able to converse with the Africans for the first time:

Five or six are sick with white flux, or diarrhea, peculiar to warm climates—one or two of them dangerously, as the physicians thinks, who, through the interpreter, conversed, for the first time, with his patients,—Some of the sick are convalescing. The doctor says he has seldom had patients who showed so much gratitude when relieved by medicines. One of the sick men, named Jooah, writes in some unknown language, which does not appear to be the Arabic. They said they were forced to drink a great deal of salt water on ‘board the slaver’, and that had made them sick.”<sup>382</sup>

The physician’s interest went beyond the Africans’ health. Dr. Hooker commented on their physical descriptions, which correlated to their geographical origins. For instance, Dr. Hooker shared during the examination that most of the prisoners were circumcised: “and it is well known that many pagan [sic] nations perform this rite.”<sup>383</sup> Dr. Hooker reacted surprised at this physical practice in connection to their religious practices. His negative response corroborated that male circumcision was uncommon during that period in the USA among Christians. Again, it added to the belief that the Africans were not born in Cuba. After the medical examination, counsels for the captives continued with the judicial examination.

Baldwin and Staples attended this private judicial examination interviewing Sengbe and Bowle. In attendance were also: Mr. Wilcox, Esq., acting as court marshal; Profs. Gibbs and Olmstead, and Rev. Messrs. Bacon and Ludlow; Anthony, “the black boy, who speaks only Spanish”; Tappan and John Ferry, “the interpreter.” The article revealed in addition to his knowledge of African languages that Ferry was versed in the

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<sup>382</sup> *The Emancipator*, Sept. 12<sup>th</sup>, 1839.

<sup>383</sup> *Ibid.*



Spanish language.<sup>384</sup> Ferry did not speak Mendi well enough to serve as the main interpreter for Jingua. However, his knowledge of “*Gallina*,” “Galena,” or “Vey,” the language spoken in the Gallina region alleviated, momentarily, their interpreting needs. In what is known today as “relay interpreting,” Sengbe, aka Jingua, speaking Mende to Bowle, and Bowle speaking Vey to Ferry, allowed Ferry to convey Sengbe’s message in English for the record. The same article in *The Emancipator* described:

Cinquez (or rather Jingua) and Bowle are natives of the same tribe, the Mandingo, but as the latter can speak the Gallinas dialect better than the former, the interpreter, who, though neither a Mandingo nor a Gallina, but a Kissi, (which was spelled incorrectly in previous communication Gheeshee, found it easier to communicate with Jingua by the aid of Bowle, who translated the Gallinas to him in Mandingo.<sup>385</sup>

As contained in this description, the interpreter who was not “a Gallina,” but from Kissi, could speak the language from the Gallina region, which allowed him to communicate with both Africans. Further on in the published letter we find the following reference equating the “Vey” and “Gallina” languages, and Ferry as being the interpreter: “We found, during the investigation, that the prisoners speak at least six dialects, that the Gallina dialect is the Vey and Tey, and that one or more speak the Susoo.”<sup>386</sup>

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<sup>384</sup> In his August 29<sup>th</sup> letter, Janes suggested the possibility of Antonio serving as interpreter, if he communicated to the Africans that they are “among friends.” Perhaps this explains why Antonio is part of this interview process, of which his testimony is not solicited, or at least not included as part of Tappan’s narration. It is possible that a linguistic exchange between Antonio and John Ferry led Tappan to conclude that Ferry understood Spanish “well.” If this were the case, an unanswered question remains as to why Ferry was not used as “Spanish interpreter” for Antonio during the remainder of the judicial proceedings.

<sup>385</sup> *The Emancipator*, Sept 12<sup>th</sup>, 1839.

<sup>386</sup> *Ibid.*

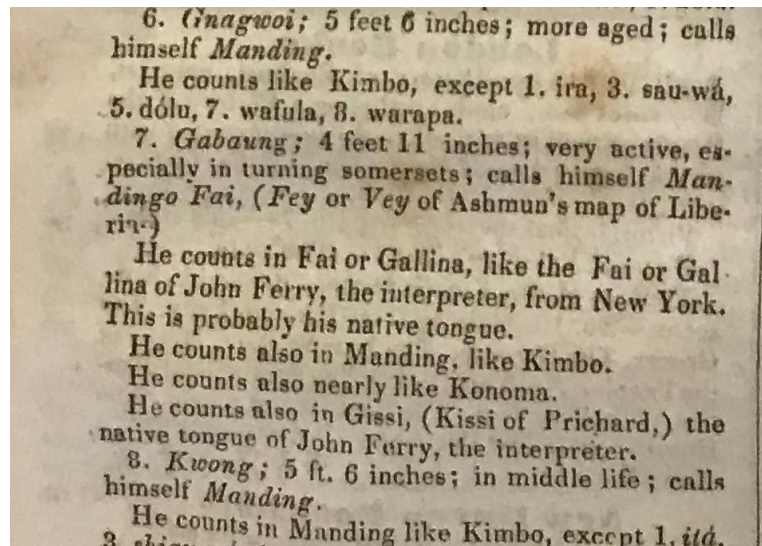


Fig. 47<sup>387</sup>

A lengthy article, published by *The Daily Herald* in New Haven, CT, dated September 16<sup>th</sup>, 1839, entitled “List and Description of the Captured Africans,” Prof. Josiah W. Gibbs, Yale Hebrew scholar, developed a comprehensive list of all the languages spoken by the captives and the numbers from one to ten in each of their native languages. This list included Ferry’s working languages and identified Ferry as interpreter (See Fig. 47). The first section of this article listed all the Africans including those who have died, some physical characteristics, such as height, a phonetic listing of the numerals. Personality traits or events were at times added i.e. “very intelligent” or “spoke over the corpse of Tûa, after Rev. Mr. Bacon’s prayer.” It was customary for articles to include detailed information. Another article noted how the girls, when given the shawls, turned them “into turbans.”<sup>388</sup>

Life for the Africans in jail included mourning those who had perished due to illnesses or injuries inflicted by the Spaniards. Their mourning practices, ethnic representations of their customs, reinforced their native origins. Abolitionists invested

<sup>387</sup> *The Daily Herald*, Sept 16<sup>th</sup>, 1839.

<sup>388</sup> *The Emancipator*, Sept 12<sup>th</sup>, 1839.

resources and time to attempt to comprehend the Africans to mount their defense. They aimed to portray the Africans and people of African descent in a human light. In order for their anti-slavery movement to grow, it needed to eradicate the racist and inhuman images brewed by the Southern USA partnered with racist attitudes in the North.

Gibbs also supported the idea that the captives communicated in no other language other than an African language. Most of them, thirty in all, spoke “Mandingo.” Later, Covey introduced the term “Mendi” to describe the “Mandingo.” Until then, Gibbs traced, with the interpreting assistance of Ferry, their six main languages: 1. Manding 2. Fai—the Mandingo Fai; 3. Congo; 4. Timmani; and 5. Bullom.”<sup>389</sup> The sixth language identified includes the second mention of John Ferry. When referring to “Gabaung,” one of the Africans who also identifies as “Mandingo Fai,” Gibbs commented: “He counts in Fai or Gallina, like the Fai or Fallina of John Ferry, the interpreter, from New York [...] [Gabaung] counts also in Gissi, (Kissi of Prichard,)”<sup>390</sup> the native tongue of John Ferry, the interpreter.”<sup>391</sup> The second mention appeared under the listing of languages (No.7), in the second section of this article: “Kissi—The Mandingo Fai, named Gabaung, gives the numeral in Gissi, the native tongue of John Ferry, the interpreter. The Gissi numerals of Gabaung and Ferry agree exactly with the Kissi numerals of Prichard.”<sup>392</sup> (See Fig. 56). Via relay interpreting, Ferry to unveiled the ethnic background of the Africans, crucial information to sustain the defense’s claim that they lived in Africa shortly before being sequestered to Cuba. The interpreter role of Ferry provided a cornerstone.

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<sup>389</sup> Ibid.

<sup>390</sup> Prichard, only known by his last name in these primary sources, authored the book *Physical History of Mankind*. His full name is James Cowles Prichard. This book offered a more wholistic view of race, language, and ethnic identification.

<sup>391</sup> *The Daily Herald*, Sept 16<sup>th</sup>, 1839.

<sup>392</sup> Ibid.

Most of the prisoners told the interpreter that they are from Mandingo. The district of Mandingo, in the Senegambia country, is bounded by the Atlantic Ocean, and is directly north of Liberia. Two or three of the men, besides one of the little girls, are natives of Congo, which is on the coast just south of the equator. The man with some of his teeth like tusks, is from Gahula in Congo. The teeth are said to be sharpened and made thus prominent by artificial means. One of the men from Congo, named Dama,

Fig. 48<sup>393</sup>

Interpreting storytelling scenarios posed interesting protocols. Newsprints of on-the-record and off-the-record linguistic mediations often prefaced the information solicited from the Africans with phrases such as “through the interpreter” or “via the interpreter.” On rare occasions, writers indicated that “prisoners told the interpreter” (See Fig.56). Narrators witnessing the linguistic interaction were observers and recorders of the linguistic bridging of the interpreter. But not all times. The latter phrase, “the prisoners told the interpreter,” strongly suggests encounters without the presence of a legal team. They support the idea that, often times, Ferry—as well as other interpreters—conversed with the Africans without the need to interpret in a dialogue. They also hinted that the interpreter summarized the answers of the Africans. An article utilizing the phrase “the prisoners told the interpreter” served as preamble to ethnic-historical disclosure from the Africans. The Africans “told the interpreter” that “they were Mandingoes,” from “the district of Mandingo, in the Senegambia country [...] by the Atlantic Ocean, and is directly north of Liberia.”<sup>394</sup> The Africans continued telling the interpreter that the three other men and three of the girls were Congolese from the coast and south of the equator.<sup>395</sup> Further “conversations” with the interpreter revealed more details about the geographical area of the *Amistad* Africans, their neighboring-tribal nations, and the richness of their languages:

<sup>393</sup> “The Captured Africans,” Sept 12<sup>th</sup>, 1839, *The Emancipator*.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

Senegambia extends 800 miles in length, and where widest is about 700 miles. It is inhabited by different tribes, all negroes, living under petty sovereigns. Among these nations, the Foulahs, Jalcops, and Mandingoes, are the most numerous. Others less prominent are the Feloops, Naloes, Pagoes, Susoos, Timmancis, &c. The Foulahs are Mahomedans. The Mandingoes are the most numerous people of this region. These are partly Mahomedans and partly Pagans. Their original country is Manding, of which the government is said to be a species of republicanism. Nearly all the prisoners appear to be people of this description. — The physician says they have nearly all been circumcised, and it is well known that many pagan nations perform this rite. No person will be able to converse with them well until he can speak the dialect of Manding. Persons, however, born on the Gallinas river may be able to converse with some of them. Although there are many native Africans in New York, and some of them came probably from places not remote from the native places of most of these prisoners, yet it is difficult to find an interpreter who can converse with them readily and intelligently. The tribes in Africa are very numerous, almost every tribe having a distinct language, and it often varies, it is said, from village to village.

Fig. 49<sup>396</sup>

Within two weeks of the schooner's arrival in New London, Connecticut, abolitionists recognized that "the tribes in Africa are very numerous, almost every tribe having a distinct language, and it often varies, it is said, from village to village."<sup>397</sup> The abolitionists experienced the exhaustive (and exhausting) effort of relay interpreting. The linguistic interaction among them, interpreter, and Africans required fluidity and, perhaps, even more, competency in one of the languages. Despite all the information gathered with the assistance of John Ferry, the abolitionists continued to search to find another who could best suit the role. Without the right interpreter, "no person will be able to converse with them well until they can speak the dialect of Manding [...] yet it is difficult to find an interpreter who can converse with them readily and intelligently"<sup>398</sup> (See Fig. 57). The

<sup>396</sup> September 12<sup>th</sup>, 1839, *The Emancipator*.

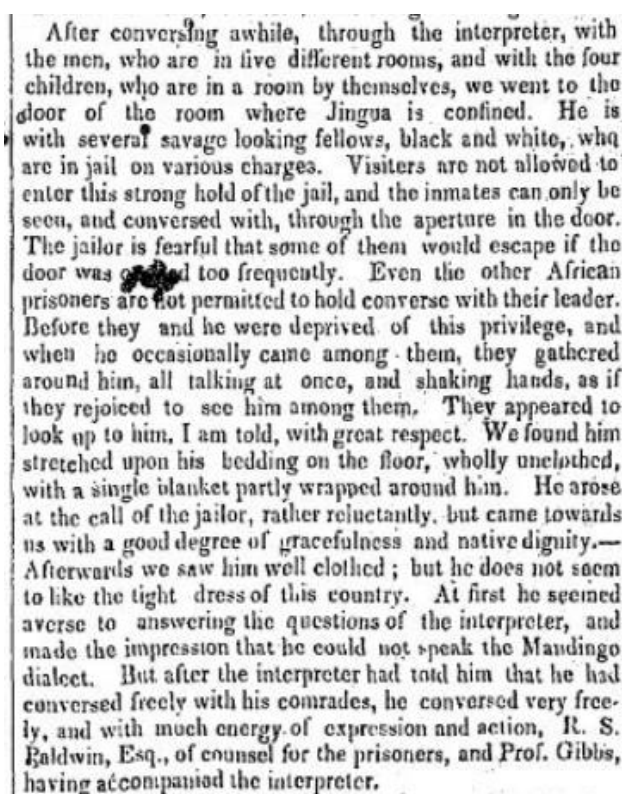
<sup>397</sup> *Ibid.*

<sup>398</sup> *Ibid.*

search concentrated its efforts in New York City where many people of African descent lived, and from where Ferry travelled to New Haven, CT.

Language, however, was only one of the elements to ensure communication for the story to be told. As discussed previously, trust was necessary. Trust transpired again in the *Amistad* story after Janes' letter, when Ferry attempted to establish communication with Jinguia in prison. Tappan recalled in the newspaper log the role of trust in the dialogue:

At first [Jinguia] seemed averse to answering the questions of the interpreter, and made the impression that he could not speak the Mandingo dialect. But after the interpreter had told him that they had conversed freely with his comrades, he conversed very freely, and with much energy of expression and action, R.S. Baldwin, Esq., of counsel for the prisoners, and Prof. Gibbs, having accompanied the interpreter.<sup>399</sup> (See Fig. 50)



After conversing awhile, through the interpreter, with the men, who are in five different rooms, and with the four children, who are in a room by themselves, we went to the door of the room where Jinguia is confined. He is with several savage looking fellows, black and white, who are in jail on various charges. Visitors are not allowed to enter this strong hold of the jail, and the inmates can only be seen, and conversed with, through the aperture in the door. The jailor is fearful that some of them would escape if the door was opened too frequently. Even the other African prisoners are not permitted to hold converse with their leader. Before they and he were deprived of this privilege, and when he occasionally came among them, they gathered around him, all talking at once, and shaking hands, as if they rejoiced to see him among them. They appeared to look up to him, I am told, with great respect. We found him stretched upon his bedding on the floor, wholly unclothed, with a single blanket partly wrapped around him. He arose at the call of the jailor, rather reluctantly, but came towards us with a good degree of gracefulness and native dignity.— Afterwards we saw him well clothed; but he does not seem to like the tight dress of this country. At first he seemed averse to answering the questions of the interpreter, and made the impression that he could not speak the Mandingo dialect. But after the interpreter had told him that he had conversed freely with his comrades, he conversed very freely, and with much energy of expression and action, R. S. Baldwin, Esq., of counsel for the prisoners, and Prof. Gibbs, having accompanied the interpreter.

Fig. 50<sup>400</sup>

<sup>399</sup> Ibid.

<sup>400</sup> Sept 12<sup>th</sup>, 1839, *The Emancipator*.

Beyond language, trust expressed and sensed, facilitated the dialogue. In a situation of life-and-death, trust needed to be earned, not guaranteed. Distrust was so prevalent that Africans faked not speaking and understanding their native language. Trust represented a precursor to communication, to an interpreted dialogue. The role of the interpreter involved reassuring the Africans that it was safe to disclose information. Ferry, also, must have arrived at this conclusion himself—the abolitionists were trustworthy. Trust opened the door for the Africans to express their fears of being killed. Tappan reported that “the prisoners appeared to be under much apprehension and asked the interpreter if they were to have their throats cut, passing their hands across their necks when they made the inquiry. He replied no, and endeavored to quiet their fears.”<sup>401</sup> (See Fig. 51).

their charge. The other prisoners were in a large apartment connected by a gallery with a range of cells, which was crowded with visitors, who pay 12½ cents for admission. Some of the prisoners appeared to be under much apprehension, and asked the interpreter if they were to have their throats cut, passing their hands across their necks when they made the inquiry. He replied no, and endeavored to quiet their fears. “If they don't mean to kill us, (said they.) why are so many people here to see us?” This was explained to them. We went into a room in the dwelling part of the house to see the four children. They were all sobbing aloud, and appeared to be in great agony. On inquiring the reason, I was told that Mr. Ruez was in the room; that before he came in, the children were cheerful and happy; but the moment they saw him, one of them flew to the Matron, clasped around her, and all burst into tears. It was a heart-rending sight to see these poor children, 4000 miles from their parents and native land, surrounded by strangers, and no one able to converse with them, to soothe their sorrows and quiet their fears.

Another prisoner died at New Haven last Sabbath, and one who is very sick remains there. Thirty-eight have been removed to this city.

Fig. 51<sup>402</sup>

After being captured in their homeland, and jailed after a successful revolt, the Africans knew that their situation was precarious. In the face of life and death, distrust was to be expected. Trust was developed in such a manner that a newspaper article

<sup>401</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

<sup>402</sup> Ibid.

compared Sengbe to “Othello.”<sup>403</sup> Two weeks later, the newspaper conveyed that during the examination “occasionally, [he] would shake hands with the interpreter, and laugh very heartily.”<sup>404</sup> Physical closeness demonstrated complete trust between the interpreter and interpretee. Trust was not a byproduct of the interaction in this case, instead a requirement for effective communication. For the Africans to tell their story in court, and to participate in their defense, they needed to trust their immediate environment and to feel that the interpreter was on their side.

Such a display of closeness, which reflected the ability of Ferry to provide service, stands in opposition to current professional standards of court interpreting. Nowadays, most professionals in the field and court officers would resist this level of physical proximity. Although this physical gesture may have been initiated by the person receiving interpreting services, this would compromise two of the most venerated professional court interpreting standards: not to give the appearance of impropriety and not to convey the perception that the court interpreter has taken sides.<sup>405</sup> “Shaking hands,” in the middle of an interpreting dialogue would question the integrity and impartiality of the interpreter, compromising the trust of the other party and the court personnel.

In the *Amistad* Case, no objection was recorded on either side. It was a requirement that facilitated communication. “Shaking hands” reinforced the importance of trust for the

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<sup>403</sup> Sengbe’s commanding spirit characterized this African-born captive in his struggle for freedom. His leadership inspired various portraits and paintings, some conserved to this day. Newspapers attested to how he addressed audiences of mostly English-speakers for lengthy periods of time without interpreting, even when interpreters were present. During these events, he enjoyed the attentive-full attention of his audience. An article in the September 12<sup>th</sup>, 1839, *The Emancipator*, reported that “his general deportment is free from levity, and many white men might take a lesson in dignity and forbearance from the African Chieftain, who, although in bondage, appears to have been the Osceala of this race.” In the 1830’s, Osceala, a Seminole Tribe leader in Florida, USA, led a resistance movement, and died in jail in 1838.

<sup>404</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

<sup>405</sup> The revised 2016 Canon 4 on “Unobtrusiveness” reiterates that a court interpreter “should not interject or reveal their own feelings, moods, attitudes, or beliefs while performing their professional duties.” See <https://njcourts.gov/public/assets/langSrvcs/codeconduct.pdf?cacheID=yLRNEv1>



Africans in this communication context. Current tendencies in our application of court interpreting code of ethics and professional standards dismiss an important question raised in this research and present in all communication spaces—the role of trust in linguistically mediated dialogues. With Ferry as interpreter, the Africans began telling their stories and counterstories. A larger number of advocates and adversaries began to listen, even though full disclosure and complete comprehension was missing. Reason why Tappan issued an additional call on the newspaper, after the September 4<sup>th</sup> published ad. This time he provided specific information on languages sought and the national origin of the ideal interpreter:

If there are native Africans in this city,<sup>406</sup> or elsewhere in this country, who, were born the sources of the river Niger, or in Mandigo, or who can converse readily in this Susso, Kissi, Mandingo, Banbarra, or Gallinas dialects, they will confer a great favor by calling, or sending word to the undersigned, for the Committee, at No. 143 Nassau Street, New York City. A native Mandingo would be the best interpreter.”<sup>407</sup> (See Fig. 52)

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<sup>406</sup> This refers to “New York,” city of publication for *The Emancipator*.

<sup>407</sup> Sept 12<sup>th</sup>, 1839, *The Emancipator*.

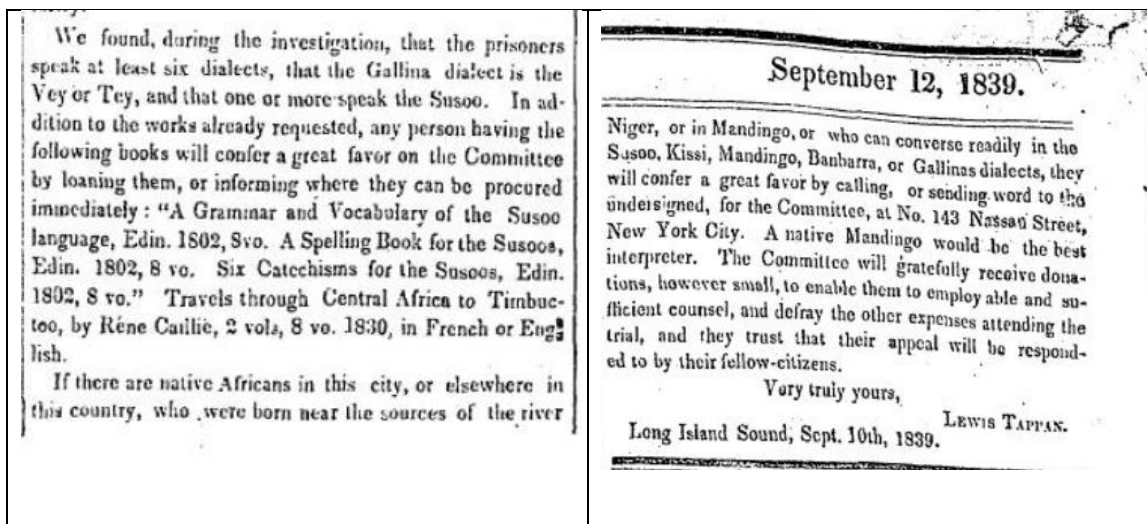


Fig. 52<sup>408</sup>

Ferry's interpreting services included his interpretation of Baboo's deposition, which was followed by his own. Baboo's affidavit reiterated that two of the girls and "the little boy, Carle [Ka'le]" were known to him. Baboo stated that he knew "these children" and that they "are the same that came over from Africa." (See Fig. 52). Both on opposite sides of the prison bars shared a common enslaving background, after surviving the Atlantic passage. Both interpreter and interpretee also signed their judicial declarations with "a cross." (See Fig. 53 & 54). In the September 17<sup>th</sup> proceeding, counsel for the Africans introduced Baboo's affidavit, who was also known as Bowle, and who passed away before the November proceeding. Ferry's accompanying affidavit of Baboo's affidavit, he swears to having "translated" from the Galena—the Gallina language—into "the English language." However, Ferry was not able to ascertain how well he understood his deponent. In an affidavit, transcribed by Erastmus Smith and signed by Ferry with a cross, Ferry affirmed "that [he] think[s] that [he] understood Baboo."<sup>409</sup> (See Fig. 62)

<sup>408</sup> Ibid.

<sup>409</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

*Affidavit of Bahoo.*

I, Bahoo, of Bandaboo, in Africa, being duly cautioned, depose and say, that I knew Marngroo and Kenyee, two little girls, now in prison at Hartford; they were born in Bandaboo, in Mandingo, and came over in the same vessel that I did to Havana, as did Penna and the little boy Carle; that they were about two moons in coming from Africa to Havana, where they staid less than one moon. Good many in the vessel, and many died—were tight together, two and two chained together by hands and feet, night and day, until near Havana, when the chains were taken off—were landed on the coast at a little place, near sun set—stayed until night, and walked into the city, put them in an old building, and fastened them in—after some time, the people now in jail were put on board the same vessel they came here in, in the night, and sailed away, about the time the gun fired. I know that these children are the same that came over from Africa, and that Marngroo and Kenyee were born in the same place I was, which was Bandaboo, and further saith not.

BAHOO, his X mark.

State of Conn., Hartford, Sept. the 20th, 1839.

Fig. 53<sup>410</sup>

I John Ferry of New York depose I say that I was present when the foregoing affidavit was taken and translated the same from the Calena to the English language that I think I understood Bahoo and that I have truly translated the same I further saith not

John <sup>his</sup> Ferry  
mark

State of Connecticut }  
Hartford County } p Hartford Sep 20<sup>th</sup> 1839

Personally appeared John Ferry who hath subscribed the foregoing affidavit & made solemn oath to the truth of the same before me

Erastus Smith Justice of Peace

Fig. 54<sup>411</sup>

The record, as documented in the abolitionist newspaper, detailed how “the African interpreter,” John Ferry, “explained the deponent the nature of the oath, and that he appeared to comprehend it, and that he truly translated his testimony.”<sup>412</sup> In this instance, the interpreter, “explained,” the nature of the oath, in addition to interpreting it.

<sup>410</sup> Ibid. The original affidavit is held by the National Archives in Boston.

<sup>411</sup> “John Ferry’s Affidavit,” September 20<sup>th</sup>, 1839, National Archives in Boston.

<sup>412</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

Explaining expands beyond interpreting. It involved expounding with one's own words. What was explained or translated, or how constituted missing pieces from the source. Constantly in this case, additional steps on-the-record were taken to ensure that the oath was thoroughly understood by the Africans. In the next sentence, Mr. Gallaudet, a Sign Language interpreter, who also interpreted in this case, was introduced by reporting the following: "Mr. Gallaudet, which was present informed the prisoner's counsel that he had conversed with him [Baboo] by sign, and he appeared to have intelligent idea of a Supreme Being, and of the penalties incurred for telling a falsehood."<sup>413</sup> (See Fig. 54) This unorthodox religious cross examination would be repeated in the *Amistad* trial in January 1840.

It was explained to Baboo "who God was," one of the main trinitarian aspects of the Christian God, and the penalties if his testimony lacked veracity. Not all oath structures include the phrase "so help you God," right after, "and nothing else but the truth?" Nowadays, often, court marshals strongly urge witnesses to place their right hand on a Bible or other sacred object reflecting the witness's faith preference. Taking "an oath" is a practice stemming from the Christian tradition.<sup>414</sup> Therefore, for many witnesses of other faiths or of non-religious backgrounds, they prefer not to swear under oath, and the courts offer the alternative to affirm, *afirmar*, or protest, *protestar*. "Protesting" grew from those against being asked to take an oath involving a divinity or Christian beliefs. Reviewing oath practices in the context of the *Amistad* case brings to light a fact to be proven via

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<sup>413</sup> Ibid.

<sup>414</sup> This practice dates back to the ninth century when citizens gathered by the altar to finalize certain transactions, and swore on particular Gospels. Said tradition was incorporated into the judicial system three centuries later, witnesses kissing the Bible as they took the oath. According to the Helen Rosenfield, "by placing a hand on the book and then kissing it, the oath-taker is acknowledging that, should [the person] lie under oath, neither the words in the Bible nor [the person's] good deeds nor [the person's] prayers will bring [the person] any earthly or spiritual profit." Eventually, this swearing practice made its way into the USA's legal system. <https://www.newyorker.com/books/page-turner/a-brief-history-of-oaths-and-books>

translated documents and interpreted testimonies: the Africans did not spend enough time in Cuba to acculturate culturally. If the nature of the oath needed to be explained, along with its religious implications to the judicial proceeding, this also demonstrates how culturally foreign was this entire process for them, though a common judicial process in Spanish-speaking countries. In fact, this explains why the Spaniards commented how they doubted that the Africans would be aware of the meaning behind such an oath (See Fig. 55). In doubting their faithfulness to this practice, the Spaniards also acknowledged that the Africans had only recently arrived from the African continent.

He introduced the affidavit of one of the African prisoners, named Bahoo, (called Bowle in a previous account,) in which he swears that two of the girls were natives of the same place with himself in Africa, that they were brought to Havana recently in the same vessel, &c. John Ferry, the African interpreter, was called, and said he had explained to Bahoo the nature of an oath, that he appeared to comprehend it, and that he had truly translated his testimony. Mr. Gallaudet, who was present, informed the prisoner's counsel that he had conversed with him by signs, and he appeared to have an intelligent idea of a Supreme Being, and of the penalties incurred for telling a falsehood.\* In answer to a question from Mr. Staples, the District Attorney said he had received an intimation from the Department of State to file the claim he made yesterday. Mr. S. concluded his speech at four o'clock, after speaking about two hours.

On motion of the counsel for Montez and Ruiz, the black Spanish lad, Antonio, was brought into court and sworn. Lieut. Meade, U. S. N. was sworn to interpret.

*Antonio, (examined through Lieut. Meade)*—Was the Captain's slave, and was on board the Amistad when the female slaves came on board—which they did quite freely, and were not bound, and about a quarter of an hour afterwards, the Spanish owners came on board. The slaves walked about the deck, or went below as they liked. There were Spanish and Yankee vessels in port—there was a Yankee man-of-war—there were many vessels there after slavers. He had been with his master ever since he was a little boy, and was always treated well by his master and mistress.

Fig. 55<sup>415</sup>

<sup>415</sup>Sept 26<sup>th</sup>, 1839, *The Emancipator*.

## Before September 1839

But who was John Ferry? Where did he come from? Regarding the interpreter's place of birth, in the same article written by Lewis Tappan, he mentioned that "the river on whose banks the interpreter was born is called Moan. It runs through the district where Jingua—was born to sea. It is sometimes very deep."<sup>416</sup> Another brief article expounded that he was "a native from Kissi, which is about 100 or 150 miles from the mouth of the river Gallinas, in the interior, which is about a day's journey south of Sierra Leone."<sup>417</sup> (See Fig. 56). A later newspaper article, retelling the September 17<sup>th</sup> proceeding, and the affidavits submitted in court from Ferry and Hanson, indicated that Ferry was "a seaman."<sup>418</sup> Similar to the *Amistad* orphans, Ferry shared a truncated childhood, kidnapped from the interior of his African continent, juggled between different sets of enslaving hands, and forced into a vessel across the Atlantic. Differently from Covey, Antonio, and the other children, who were liberated by the actions of the Joint Commission or by the *Amistad* Rebellion, Ferry's transatlantic journey took him at around twelve years of age to southern Latin American colonies.

I arrived here last Friday evening, with three men who are natives of Africa, and who were joined the next day by two others, to act as interpreters in conversing with Cinquez, or as it is pronounced by himself, Jingua, and his comrades....On going to the jail, the next morning, we found, to our great disappointment, that only one of the men, J.F., was able to converse with the prisoners. He is about 30 years of age, a native of Kissi, which is about 100-150 miles from the mouth of the river Gallinas, in the interior, which is about a day's journey south of Sierra Leone. He was kidnapped when about 12 years old, and was liberated in [Gran] Columbia [sic], by Bolívar [...]. You may imagine the joy manifested by these poor Africans, when they heard one of their own color address them in a friendly manner, and in a language they could comprehend!

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<sup>416</sup> Ibid.

<sup>417</sup> Ibid.

<sup>418</sup> *The Emancipator*, Sept 26<sup>th</sup>, 1839.

NEW HAVEN, Sept. 9, 1839.

*To the Committee on behalf of the African Prisoners :*

I arrived here last Friday evening, with three men who are natives of Africa, and who were joined the next day by two others, to act as interpreters in conversing with Cinquez, or as it is pronounced by himself, Jingua, and his comrades. He said he knew nothing of the name of Joseph. On going to the jail, the next morning, we found, to our great disappointment, that only one of the men, J. F., was able to converse with the prisoners. He is about 30 years of age, a native of Kissi, which is about 100 or 150 miles from the mouth of the river Gallinas, in the interior, which is about a day's journey south of Sierra Leon. He was kidnapped when about 12 years old, and was liberated in Columbia, by Bolivar. He is able to converse a little in the Mandingo dialect, but understands better that of Gallinas, which some of the prisoners can speak. Most of the prisoners can understand him, although none of them can speak his Kissi dialect. You may imagine the joy manifested by these poor Africans, when they heard one of their own color address them in a friendly manner, and in a language they could comprehend !

Fig. 56<sup>419</sup>

The fact that Tappan referred to *El Gran Libertador* of the Americas by his last name indicates that the abolitionists were cognizant of the successful revolutions in Latin America, and the interconnectedness of transnational abolition movements.

Simón Bolívar led the newly decreed Republic of “*Gran Colombia*” that was liberated in 1821. Bolívar died nine years later in 1830. In 1839, he was quoted in a USA newspaper as having freed a slave, the *Amistad* interpreter. Ferry, who was about thirty years old by the time of his recruitment, and was born circa 1809. Similar to Covey and Antonio, they all shared the journey of African childhood enslavement, orphanhood, and liberation. Covey said in his deposition that he was liberated by a British brig at sea, while Ferry attributed his liberation from slavery directly, “by Bolívar,” namely, Simón Bolívar. (See Fig. 56). At first glance, his journey from enslavement to liberation traces the development of his Spanish linguistic competency. He must have spent at least three years

<sup>419</sup> Sept 12<sup>th</sup> 1839, *The Emancipator*.

or more in a Spanish-speaking newly formed country in order ‘to understand Spanish very well.’ Yet it is not until the next *Amistad* proceeding in court that we learn more details on Ferry’s background and the connection to Bolívar.



## Chapter 5. Sign Language interpreting in the *Amistad* Case

“Mr. G.,” the preacher, was Rev. Thomas Hopkins Gallaudet. Rev. Gallaudet had graduated from Yale College and Andover Theological Seminary. He is known for being the founder of the first school for the deaf in North America established in Hartford, CT., later known as the American School for the Deaf. Throughout the duration of the *Amistad* Case, he served as instructor to the Africans and Sign Language interpreter in the *Amistad* Case. Gallaudet was one of two Sign Language interpreters in this case, after Prof. George Day,<sup>420</sup> and both collaborated in the instruction of the Africans.

Gallaudet, furthermore, served as teaching-language consultant for the Africans. Responding to Gallaudet’s advice on guidelines, on October 19<sup>th</sup>, 1839, George Day requested that Lewis Tappan purchase additional materials to be used in English-language instruction of the Africans. Day reported on the educational progress to Tappan: “in accordance with the advice of Mr. Gallaudet, we have procured pictures of single objects & commenced by teaching them the name of these objects.”<sup>421</sup> Day commented on the Africans’ intelligence and fast learning skills, “they manifest as much intelligence, as any promiscuous collection of white men [sic].”<sup>422</sup> The Africans quickly mastered the first “20 to 30” vocabulary cards. Therefore, more primary sources were needed, picture books from which to create new cards. Day wrote, “will you have the kindness, sir, to send us up as great [a] variety of pictures suited to our object as you can find.”<sup>423</sup>

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<sup>420</sup> George Day, also a Hebrew scholar at Yale College and professor at the New York Institute for the Deaf and Dumb [sic], was also invited to form part of the committee. He assisted in many ways, including the English-language and religious instruction of the captives in jail.

<sup>421</sup> AMA FI 4648.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

I have wondered why instructors of the “Deaf and Dumb,” as they were referred to in the nineteenth century, were called in to communicate with the Africans and to engage in their language instruction. Were Sign Language instructors<sup>424</sup> the only teachers trained in second-language acquisition? Were they considered the most trustworthy instructors within the antebellum movement? Were they the only ones with the linguistic sensitivities to initiate communication with non-English or Spanish speakers? As Kim J. Silva surmises in her essay, “where the Amistad Committee’s African-language translators [sic] failed, the signs used by the deaf succeeded. Deaf educators Thomas H. Gallaudet and George E. Day relayed riveting stories of the captives to the newspapers and helped to identify the elusive Mende language.”<sup>425</sup> Although USA culture, then and today, continues to prefer oral languages and not to welcome non-English speakers from the Global South, the society’s ethnic composition demonstrated a growing representation of speakers of other languages and other countries. Gallaudet served as a bridge. With his experience and training, he authored a source to assist missionaries in communicating with non-English individuals in *Literary and Theological Review* used in the instruction of the Africans.<sup>426</sup>

The *Amistad* case prompted anonymity and discretion issues among its informants, especially around language matters. In the same letter as cited just now, Day diplomatically asks Tappan not to make the “note [the letter] become public.” As the story progressed in the public, letters, with Tappan as author or recipient, were routinely published in newspapers. In his letter to Tappan, Day requested at the end, some

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<sup>424</sup> Day invites Tappan to consider asking two instructors from the same institute to help in the selection and preparation of these instructional materials, Mr. Bartlett and Mr. Cary. His letters attribute the ‘burden of the instructions’ to two ‘gentleman.’ One is Griswold and the other one’s name is illegible.

<sup>425</sup> Silva, 136.

<sup>426</sup> *Ibid.*, 141.

conditions if he were to decide publicizing the missive. In that case, he should speak in “3<sup>rd</sup>” person, or rephrase the message: “should you deem it desirable to send to the papers any of the facts [...] I should not object to it. In that case, however, they should be stated in your own language or, at least, in 3<sup>rd</sup> person”<sup>427</sup> [emphasis in original]. Not only was knowledge of the Spanish language something to be hidden from the public, but so too in the present political context was Sign Language knowledge and instruction.

The Sign Language community has recognized the connection between The *Amistad* Case and interpreting issues. By contrast, the relationship between oral interpreting historiography and the *Amistad* case has remained unexplored by historians. As Kim A. Silva recounts, “oral history from the American School for the Deaf (ASD) affirms that the founders of the school, Laurent Clerc and Thomas H. Gallaudet were the first interpreters for Cinque, the leader of the *Amistad* revolt...it was easy for the Africans and the Deaf students to communicate because both used sign language and gesture.”<sup>428</sup> Applying Gilbert J. Garraghan’s method of corroborating oral historical veracity, Silva affirms how the Signing community recognized the contribution of this freedom story to their interpreting history. Silva asserts the richness of the Mende culture, dance, storytelling and mime, which facilitated the interactions of the Mende Africans and surrounding community.<sup>429</sup> She notes how, during their early stay in Connecticut, Christian Abolitionists in Farmington continued “to sign” with the Africans. The Norton family hosted Sengbe and Grabbeau at their house, and while “the *Amistad* leaders were

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<sup>427</sup> Ibid.

<sup>428</sup> Silva, 137. Knowledge of this connection seems to form part of the universal history of Sign Language. While lecturing at the University of Warsaw, Poland, in 2017, Dr. Aleksandra Kalata-Zawlocka Polish Sign Language professor and President of the Association of Polish Sign Language Interpreters commented how the *Amistad* story is known within the Polish Sign Language community as part of the universal history of this language.

<sup>429</sup> Ibid.

not fluent in spoken English...the Norton family could sign.”<sup>430</sup> Amistad Abolitionists and Sign Language instructors collaborated. Gallaudet, Day, and other instructors, participated in anti-slavery actions with Tappan, pointing towards a shared political agenda supported by theological foundations.<sup>431</sup> Perhaps the discrimination experienced by the Sign Language community helped them to relate to the Abolitionist movement. The sign community found a home within the abolitionists committed to serve those on the margins of society. Despite the challenges of both communities, the *Amistad* story became part of the journey in USA society.

Newspapers memorialized the contribution of the Sign Language community. *The Emancipator* reported a letter from Tappan revealing how Sign Language interpreting assisted in communicating with the Africans during the official court proceeding of September 17th: “Mr. Gallaudet, who was present, informed the prisoner’s counsel that they had conversed with him by signs, and he appeared to have an intelligent idea of a Supreme Being, and of the penalties incurred for telling a falsehood.”<sup>432</sup> Linguistic differences in court, Mendi vs English, also marked religious differences. Testimony credibility is based on taking a judicial oath, a Christian one. Court officers ensured that all Africans, whether defendants or interpreters, understood the implications of telling the truth. Those interpreting the oath also bore the explanation of responsibility.

Explanations require additions to original renditions—another inter-ethnic aspect of the Amistad Case that deviated from current court interpreting standards. Unrequested “additions” or “explanations” to original sources are professionally uncommon and unwelcome in judicial contexts. In health settings, by contrast, medical interpreters may

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<sup>430</sup> Ibid., 143.

<sup>431</sup> Silva, 140-141.

<sup>432</sup> “Interesting Scene in Prison,” Sept 26<sup>th</sup>, 1839, *The Emancipator*.

interject comments or suggest to interlocutors if deemed beneficial to achieve effective communication among involved parties. Court interpreting standards dissuade professionals from initiating either practice, although, they may be used in off-the-record proceedings. In the *Amistad* Case, additions and explanations also served to bridge an ethnic gap in order to provide legal accessibility to the defendants and credibility to their “Word.”<sup>433</sup> The Spaniards<sup>434</sup> put into question the Africans’ credibility on the basis of their unfamiliarity with Christian symbols, such as the symbol of the “cross” signed at the bottom of their affidavits in court. Yet the Spaniards were apparently not concerned with their unchristian actions fabricating documents and lying in open court—in order to support the unchristian institution of slavery<sup>435</sup> and colonial.

Other sources reinforced Day’s involvement as instructor for the Africans. A forty-seven-page document printed by abolitionists, titled “The African Captives. Trial of the Prisoners of the *Amistad* on the Writ of Habeas Corpus, Before the Circuit Court of the United States, for the District of Connecticut, at Hartford: Judged Thompson and Judson. September Term, 1839,” provided a transcription of the September proceeding (See Fig. 67), including articles and information provided by George Day. Contrary to “Doc. 185” published by the USA Congress and reprinted by the Anti-slavery society, “The African Captives”<sup>436</sup> pamphlet lacked a parallel publication by an official governmental office. Uniquely an “Anti-slavery” publication, it remained the most complete “official” transcript of the September 17<sup>th</sup>, 1839 proceeding.

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<sup>433</sup> Practices adopted by both sign and oral languages interpreters in this legal case.

<sup>434</sup> This was elaborated further in the Chapter on Translation.

<sup>435</sup> Refer to Part 1 on the theology and Scripture reading of the Christian Abolitionists.

<sup>436</sup> Hereafter, the abbreviated title of this publication.

THE AFRICAN CAPTIVES.  
—  
T R I A L  
OF  
THE PRISONERS OF THE AMISTAD  
ON THE  
WRIT OF HABEAS CORPUS,  
BEFORE THE CIRCUIT COURT OF THE UNITED STATES, FOR THE DISTRICT  
OF CONNECTICUT, AT HARTFORD;  
JUDGES THOMPSON AND JUDSON.

SEPTEMBER TERM, 1839.

John D. Lawson

NEW YORK:  
PUBLISHED AND FOR SALE AT 143 NASSAU STREET.  
1839.

Fig. 57<sup>437</sup>

The first four pages of the abovementioned document, sectioned off as “Introductory Narrative,” include a brief summary on the story of the *Amistad* Africans. It retold the before-and- after story since arriving on USA shores, and the organized efforts

<sup>437</sup> “The African Captives Trial,” Rare and Manuscripts Room, Yale Law Library.

of the *Amistad* Committee fighting on both legal and social fronts. Interpreters gathered the information contained therein, which revealed the known truth: that the Africans were born and raised on their native continent. Although the narrator remained un-named, Day's name is affixed to an article originally published in the *Journal of Commerce* summarizing the "examination" of the Africans with the assistance of the interpreters James Covey and Charles Pratt.<sup>438</sup> The article recounted how "the next thing," after engaging the services of able counsel, was "to open a communication with the Africans, through an interpreter."<sup>439</sup> Once the main Mendi oral-interpreter was found, George Day familiar "with the language of signs, and the other peculiar methods of conveying instruction employed at the New York Institution for the Deaf and Dumb [sic]" collaborated by offering "intellectual and religious instruction to these benighted pagans [sic]"<sup>440</sup> (See Fig. 58).

in regard to so unusual an occurrence. It was seen at once that somebody ought to act for these strangers, in order to secure the proper means for the protection of their legal rights. Accordingly, at a meeting of a few friends of freedom, in the city of New York, Messrs. Simeon S. Jocelyn, Joshua Leavitt and Lewis Tappan, were appointed a committee, to receive donations, employ counsel, and act in other respects as circumstances might require, for the protection and relief of the African Captives. This committee immediately announced their appointments and solicited funds. They also engaged the services of able and faithful counsel, Seth P. Staples and Theodore Sedgwick, Jr., Esq., of New York, and Roger S. Baldwin, Esq., of New Haven. The next thing was, to open a communication with the Africans, through an interpreter; and after repeated trials and much inquiry, they found a man in this city, named John Ferry, a native African, of the Kissi tribe, who was able to converse freely with one or two of them, and imperfectly with others.

With these preparations, the trial came on at

hugged one another with transport." The captives confirm all that had been previously learned from John Ferry. The means of communication were now as good as could be desired, as the interpreters were intelligent, and one of them, Covey, able both to speak and write English very well, having been brought up at Sierra Leone.

On request of the committee at New York, the Rev. Leonard Bacon and Henry G. Ludlow, and Mr. Amos Townsend, Jr., of New Haven, consented to act as a committee to take measures for giving intellectual and religious instruction to these benighted pagans, during such time as they might remain accessible to the efforts of Christian benevolence. This committee were fortunate in engaging the services of Mr. George E. Day, a gentleman of liberal education, who has been a professor in the New York Institution for the Deaf and Dumb, and is familiar with the language of signs, and the other peculiar methods of conveying instruction employed in these institutions. An excellent matron is also engaged to teach the four little children.

Fig. 58.<sup>441</sup>

<sup>438</sup> The front cover listed 1839 as the year of publication, while the anonymous writer dated his introduction "New York, Oct. 15<sup>th</sup>, 1839." "The African Captives," 1839, vi.

<sup>439</sup> *Ibid.*, ii.

<sup>440</sup> *Ibid.*, iv.

<sup>441</sup> *Ibid.*

This narrative recalled the previous *Amistad* case interpreters, John Ferry, and the newly found interpreters, Covey and Pratt. Ferry represented the first interpreter that effectively facilitated communication between the outside world and the *Amistad* Africans. He conversed “freely with one or two of them, and imperfectly with others.”<sup>442</sup> (See Fig. 68). Covey and Pratt seconded the information gathered by Ferry, because “they [could] speak and write English very well, having been brought up at Sierra Leone.”<sup>443</sup> After a vigorous and pressing search, finding Covey and Pratt prompted all to use their services non-stop. There was much to learn about their needs and to extract to prepare a litigation strategy. A quoted article within, dated Monday, October 7<sup>th</sup>, asserted that after four days in New Haven, the interpreters worked without a break. On the afternoon of the 7<sup>th</sup>, they took a brief recess from interpreting attorney-client-conferences, in preparation for the November trial. They served as interpreters in an interview with Grabbeau and Kimbo to supply key information for this introductory narrative. The narrator expressed with compassion that because Covey and Pratt “were exhausted,” they were allowed to summarize their tales. The narrator explained:

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<sup>442</sup> Ibid., iv.

<sup>443</sup> Ibid.



GEORGE E. DAY.

MONDAY, Oct. 7.

This afternoon, almost the first time in which the two interpreters, Covey and Pratt, have not been engaged with special reference to the trial to take place in November, one of the captives named Grabaung was requested to give a narrative of himself since leaving Africa, for publication in the papers. The interpreters, who are considerably exhausted by the examinations which have already taken place, only gave the substance of what he said, without going into details, and it was not thought advisable to press the matter. Grabaung first gave an account of the passage from Africa to Havana. On board the vessel there was a large number of men, but the women and children were far the most numerous. They were fastened together in couples by the wrists and legs, and kept in that situation day and night. Here Grabaung and another of the Africans named Kimbo, lay down upon the floor to show the painful position in which they were obliged to sleep. By day it was no better. The space between decks was so small—according to their account not exceeding four feet—that they were obliged, if they attempted to stand, to keep a crouching posture. The decks, fore and

Fig. 59.<sup>444</sup>

The awaited interpreters held the portal to pivotal information, working non-stop for two weeks consistently since being found on October 3<sup>rd</sup>, 1839. Sources failed to reveal if they employed the skill of “team interpreting,” switching every twenty minutes, to reduce exhaustion, or if they were used simultaneously for different client-attorney meetings. The consideration cited by the author of this preface, allowing them to summarize, signals the possibility of interpreting by themselves for long periods of time, or of interpreting for extremely long hours. In either circumstance, it must have been an exhausting task to interpret non-stop for two weeks. Their experience as seamen granted them interpreting practice from Mendi to English. Patrolling in vessels searching for ships in violation of the transatlantic treaties. Once the slaves were captured, bilingual sailors like them announced to non-English speaking captives the good news about their liberation and return to Africa. The *Amistad* Case widened their skills during intensive weeks of interpreting.

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<sup>444</sup> Ibid.



Fig. 60<sup>445</sup> “Margu”

The second court hearing, set for September 17<sup>th</sup>, was postponed twice, first to September 19<sup>th</sup> and then continued until September 20<sup>th</sup>. Counsel for the three African girls—Teme, alias Juana, Ka-gue, alias Josefa, Margu alias Francisca (See Fig. 60)—“moved for a writ of habeas corpus.” The litigation team began their on-the-record functions as they advocated for the three girls. Of all the African captives, the young orphaned girls were the most vulnerable. Without parents or legal guardians, they represented the fastest way to contradict the claims by the Spaniards that their transfer was licit. Kidnapping children away from their parents and homeland evoked sympathy from parents, court officers, newspaper articles, and those inclined to historical gossip in order to sway public opinion in favor of the Africans and the anti-slavery cause. Given their visible signs of physical (im)maturity compared to children ages seven to nine, the court would be inclined to see how the Spaniards contravened international law by smuggling children directly from Africa. Abolitionists remarked on the physical development of the *Amistad* children compared to those of USA-white northern children:

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<sup>445</sup> William H. Townsend, “Sketches of the Amistad Captives,” General Collection, Beinecke Rare Book and Manuscript Library, Yale University.

“they are larger than boys and girls of that age usually are in this country”<sup>446</sup> (See Fig. 61).

Whether these were authentic comparisons or another strategic measure to sway public opinion or the Court’s decision, the abolitionists began their day in court with the “least of these” to contrast the cruelty of the institution of slavery. Their adversaries resorted to any possible means to keep the case out of state courts even if it meant using children as pawns of their enslaving ideology. *Amistad* children were remanded to jail without legal guardians throughout the duration of the trial period, which was appalling in and of itself. During the nineteenth century, children and women filled the horrific holds of ships forced to southern lands.

The children were remanded to prison, and as they left the Court room in the custody of the jailer, the girls clung to his arm with both hands. The interpreter has since made affidavit that they are, as he believes, natives of Africa, that they can speak no other language, and that they are about 7 or 9 years of age. They are larger than boys and girls of that age usually are in this country. But it was a very unusual and unaccountable proceeding for Judge Judson to commit these little children to prison as witnesses, when it was plain that the Circuit Court could never admit such young and ignorant creatures to testify in a case of life and death. This confirms the suspicion, that the pretext of a capital trial was resorted to solely for the purpose of keeping the captives out of the jurisdiction of State courts. Appli-

Fig. 61<sup>447</sup>

Non-Spanish speaking girls told their stories of how as slaves they were forced to migrate to Cuba after the 1820 treaty went in effect, under the auspices of slavery. The hearing was adjourned until September 19<sup>th</sup>, after a habeas corpus motion from defending counsel was solicited to bring the girls to court. Surprisingly, at the *Amistad* proceeding

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<sup>446</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

<sup>447</sup> Ibid.

in September, the girls' court testimony was not solicited, with through sign or language interpreter. No-on-the-record words were needed. Their bodies served as concrete testimony of the illegal slave trade in Spanish/Cuban territory. Counsels' arguments honed in on their inability to speak Spanish. To sustain their position, the defense often referred to the linguistic and ethnic expertise of interpreters and candidates. Mr. Sedgwick, one of the *Amistad* lawyers, proffered the affidavits of Augustus William Hanson and John Ferry, "stating...that they had seen and conversed with the African girls imprisoned in the jail in Hartford; and that they were native Africans, the eldest about nine years old and the youngest about seven; and that they can speak neither the Spanish nor Portuguese languages."<sup>448</sup> Although there are no records to substantiate that Hanson acted in an official capacity as a court interpreter, counsel named him as "an interpreter" for his ability to converse with the children. The bestowed title of interpreter gave Hanson greater esteem and credibility to his observations in a court of law. Lawyers availed themselves of the available *Amistad* interpreters to narrow the communication gap between them, the Court, and the Africans. Language found a way to establish the place of origin of the *Amistad* minors and adults, their ethnicities, and, hopefully, their freedom. Counsel for the Africans argued in court:

Here are three children...who are proved to be native Africans, who cannot speak our own language or the Spanish language, or any other but the language of their nativity...Does not this honorable Court see they cannot be slaves?—They were not born slaves,—and they were born in Africa...They have no knowledge of any other language than that spoken on the coast of Africa...And yet this Don Pedro Montez has the hardihood to come into this Court—a man who has been confederating with pirates; for he must at least have purchased these persons of the pirates who kidnapped them. He knew they did not speak the Spanish language—he knew, from their tender age, that they must have been brought to the Island of Cuba in violation of the laws of Spain He knew all this, and yet he had the hardihood to say he had legally purchased them?<sup>449</sup>

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<sup>448</sup> "The African Captives," 1839, 8.

<sup>449</sup> *Ibid.*, 11-14.

Instead of deposing the *Amistad* girls, the court authorized the deposition of another African, Baboo, “who came in the same vessel with the girls, about 25 years of age.”<sup>450</sup> The court resorted not to Ferry but to Rev. Gallaudet, present in court to explain the oath by signs to this African. After the satisfaction from the court that Baboo understood the oath, through the interpreting assistance of Gallaudet, the deposition was granted, and later introduced in the judicial proceeding. An annexed affidavit corroborated that Ferry interpreted the content of this affidavit, submitted at a much later date in a court proceeding.

Gallaudet’s theological training plus his ability to communicate with the Africans earned him the task of interpreting and explaining the oath. Pages dedicated in this primary source to the interpreters’ contributions in the proceeding are scant; nonetheless they were decisive to the outcome of the case. Knowledge obtained by the interpreters became, “their best evidence.” Without the possibility of birth certificates—direct evidence—interpreters’ testimonies, circumstantial evidence, bolstered the hypothesis posed by the *Amistad* litigation team. Reiteration on who were these girls and their place of birth were paramount facts confirmed by the interpreters:

On this subject, we have an African, a colored man, an interpreter, who has been with these children and examined them; and he says they are native Africans. He gives their ages; and the reason for believing them to be native Africans is, their whole language is a dialect of Mandingo. They have no knowledge of the Spanish language. This, at their tender age, is decisive—it is the best evidence we could have.

Well, if these children were born in Africa, they are not old enough to have been brought into the island of Cuba before the law abolishing the slave trade. If the African question is settled, they must have been brought to Cuba since the treaty of [1817]. There is also the testimony of another African interpreter. He gives the same facts he says they are of the African race—they speak a language spoken nowhere else but in Mandingo [...]

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<sup>450</sup> Ibid.

We have the highest possible evidence, not direct, that these children were born and bred in Africa."<sup>451</sup> (See Fig. 62).

The interpreter they are referring is John Ferry. Ferry communicated the best possible evidence. They could not be old enough to speak only Mendi. If brought before the 1820, their bodies and languages would have demonstrated that they were 19, young women, not children.

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*Case of the*

**he says they are native Africans. He gives their ages; and the reason for believing them to be native Africans is, their whole language is a dialect of Mandingo. They have no knowledge of the Spanish language. This, at their tender age, is decisive—it is the best evidence we could have.**

**Well, if these children were born in Africa, they are not old enough to have been brought into the Island of Cuba before the law abolishing the slave trade. If the African question is settled, they must have been brought to Cuba since the treaty of 1827. There is also the testimony of another African interpreter. He gives the same facts. He says they are of the African race—they speak a language spoken no where else but in Mandingo. Their own story is also put on record, but it would be mockery to attempt to introduce it here. We have the highest possible evidence, not direct, that these children were born and bred in Africa, where, and where only, they could have learned the dialect they now speak; and that they were brought to Cuba after the treaty alluded to; so that, immediately after they reached the Island of Cuba, they were free; and no subsequent purchase could make them slaves.**

Fig. 62<sup>452</sup>

As an integral strategy to this proceeding, interpreters' affidavits were submitted in court as indirect, circumstantial evidence. The other interpreter, most likely, referred to

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<sup>451</sup> Ibid., 23-24.

<sup>452</sup> Ibid., 24.

as Augustus Hanson, corroborated the information interpreted by Ferry. Given the pattern of Mr. Staples, one of three counsels for the Africans introduced Ferry's affidavit, misidentified as "Perry." The content of affidavits was bracketed. Bracketed information also enclosed annotations and summaries by the drafter of the "unofficial transcript":<sup>453</sup> "[Here the affidavit of John Perry was introduced, to authenticate that of Baboo in the taking of which, Perry acted as interpreter]" (See Fig. 63). A total of forty-seven lines were placed in brackets in the second column of "page 28" of this chronicle. Bracketed information, perhaps considered supplemental or optional, included essential data on the life of the interpreter declared on the record. His personal declarations qualified him to interpret linguistically and culturally for the now imprisoned Africans. Despite the crucial data revealed via the interpreter, the editor determined extra-official the key information extracted by the interpreter. The narrator missed the connection between the personal and professional that equipped Ferry to interpret "faithfully" for the captured African.

The third-person subject suggested a summary of the most relevant content appraised by the writer. Of all factual testimonies given in court, only these remained. The facts enclosed in brackets responded to many inquiries stemming from the newspaper article published on September 19<sup>th</sup> on the "*Examination of the Africans.*" Mr. Ingersoll, counsel for the opposing party, petitioned to cross examine John Ferry, the interpreter, which was granted by the Court. As it may be recalled, Ferry's affidavit stated that he was "almost sure" that he understood Baboo—an admission that must have raised suspicions among opposing counsel about the certainty of the interpreted information. Opposing counsel showed their biased seams in this *Amistad* judicial patchwork. They chose to be

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<sup>453</sup> Throughout the document related information to interpreting issues was often bracketed.

blind to the ideology supporting the institution of slavery in their interjections and in their petitions in favor of their clients.

Further testimony by Ferry revealed that although Mandingo, was Baboo's main spoken language, he also spoke Gallinas. Since his liberation by Bolívar, Ferry had practiced speaking this language a few times per week when he visited plantations in the West Indies, and with Africans he encountered in the USA. Ferry had lived in Gallinas for over a year, whether enslaved in an African plantation or waiting to be transported into a transatlantic enslaving vessel. Ingersoll examined Ferry on how well Baboo understood the oath, the concept of the Christian God, the importance of "telling the whole truth," and the punishable consequences for not speaking the truth, a common procedure at the beginning of interpretation instances in the case at hand.

In an effort to justify why the three Amistad girls should not be released, Ingersoll tried to discredit Ferry's testimony. He argued that "the affidavit of Perry [sic] is an additional reason why this matter [release of the three girls] should be investigated."<sup>454</sup> Interpreters in the *Amistad* Case were in the cross hairs of court litigations and social debates by adversaries. This instance was no exception, even when counsel could not produce an alternative interpreter to better facilitate the truth of the witnesses. Ferry possessed the best linguistic and ethnic competency to duly voice the stories of the African girls. This is why.

According to his own testimony in court, Ferry was "brought" from Africa by a captain from Baltimore, Maryland, USA to the southern hemisphere. Ferry was enslaved in Suriname, St. Thomas, and La Güaira—"Laguyra" in this nineteenth-century document—a northern-Caribbean port of Caracas, Venezuela. He testified that it was in

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<sup>454</sup> Ibid., 29.



La Güaira, where his captain enslaved him for five years, before “the law of General Bolívar freed him.”<sup>455</sup> Nine years after Bolívar’s demise, Ferry honored this historic emancipator by mentioning him as part of his counter story of liberation. Bolívar was an abolitionist who took a monstrous colonizing and enslaving empire. Ferry stated that he came to the USA and lived in Baltimore for 18 months, returning to La Güaira for a while, before coming to NYC, “where he has remained ever since.”<sup>456</sup> (See Fig. 63).

interpreter. Mr. Ingeroll wished to examine Perry; which was acceded to. On this examination, Perry said it was about seventeen years since he left Africa—his age at that time was guessed to be 11 or 12—supposed himself to be about 30 now—was not a native of Gallina—staid there a good while—should think better than a year—learned the language during that time—came from Gallina to the West Indies—had an opportunity of speaking the Gallinas language once or twice a-week, when he could get a chance of visiting a plantation, where there were natives Gallinas. Understood Bahoo to say he understood what he said—is sure he understood him well. Bahoo is Mandingo, but speaks Gallinas.—Explained to him the questions—told him what the justice told him to say—inquired whether he understood about God—made him understand he was sworn to tell the whole truth—told him he would be punished if he did not—he appeared to understand and believe it. Saw these persons in New Haven—had no difficulty in conversing with Bahoo, and he could converse with others. The Captain of the vessel which brought him (Perry) from Africa, was a native of Baltimore—took him from Surinam—came to St. Thomas—staid there some time—went round with him—afterwards went to Laguyra—master bound him for five years. The law of General Bolivar freed him. Came to this country in 1830—was in Baltimore 18 months—went back to Laguyra, and afterwards came to New York, where he has remained ever since. Has kept up his knowledge of the Gallinas language, by opportunities of talking with persons who have come from Africa. When he first saw these men, and spoke to them, they manifested much joy.]

Fig. 63<sup>457</sup>

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<sup>455</sup> Ibid., 28.

<sup>456</sup> Ibid.

<sup>457</sup> Ibid. The paper misspelled Ferry’s name as “Perry.”

The last entry in this non-official document on interpreting and translation issues inserted the joyous description of the interpreter-African encounter. The column ended by remarking on the joy manifested by the Africans finding themselves able to communicate and able to be understood by a fellow African, even if he was not a Mende. The main oral interpreters of the *Amistad* Case, Ferry, Covey and Pratt, shared a similar background: born on the African continent, kidnapped as children to enter the transatlantic trade, exposed to the English language in the process of being freed, and liberated by emancipatory efforts. This background fomented trust and enabled communication in concentric adversarial systems: judicial, socio-political, and transnational.

On Monday, September 23<sup>rd</sup>, Judge Thompson delivered his decision. He denied the motion to discharge the Africans on the basis of the original application made to the court regarding jurisdictional matters of the District Court of Connecticut versus New York. The judge allowed the prisoners to be discharged if counsel deposited appropriate bail, “but as it must be on an appraisalment, their counsel would not consent to it.”<sup>458</sup> For the abolitionists, appraising implied acquiescing to the idea that the Africans were slaves; certainly, this was implicit in the judge’s rendered decree. Therefore, the litigation team, all abolitionists, refused to purchase their freedom with a bail set at the cost of the slave trade. At first glance this seems to make sense, yet their refusal accomplished three things: kept the captives inappropriately in jail cells, continued to appeal to public opinion towards a growing abolitionist movement, and exercised their privilege. As a direct consequence of their decision, the captives spent over two years in jail while their supporters freely controlled *sus entradas y sus salidas*.<sup>459</sup> The judge added his regrets to his decision, especially when they involved the sentiments of the community. Judge

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<sup>458</sup> Ibid., 47.

<sup>459</sup> Translates to “freely moved about in society.”

Thompson explained that “he could not be insensible to the fact, that the feelings of the community were deeply involved in the question, and he feared there might be misapprehensions of the real questions to be disposed of by the Court.”<sup>460</sup>

He closed his rendition by announcing further investigating the jurisdictional matter of the seizure of the *Amistad* schooner by doing a physical inspection. The narration concluded, and so did the printed public transcripts on The *Amistad* Case. Despite the narrator broadcasting under new business (“N.B.,”) that “this pamphlet will be followed by another, containing a full Report of the Trial at the next term,”<sup>461</sup> this never came to pass. To date, similar pamphlets for the November 1839 or the January 1840 term are missing from the annals of history. Consequently, this researcher turned to handwritten letters and newspapers articles to continue to piece together the Interpreting and Translation issues in this case.<sup>462</sup>

## **Chapter 7. Prelude to the November trial: Interpreters provide access to communication and knives for liberation from captivity**

Before the November 1839 trial, Covey and Pratt assisted the Africans in other non-linguistic matters. In a letter dated October 23<sup>rd</sup>, 1839 to Tappan, George Day conveyed to him that *The Daily Herald*<sup>463</sup> reported that the interpreters, James Covey and Charles Pratt, bought “knives” for the imprisoned Africans. Day regretted both incidents: the purchasing of these “weapons” and the printing of said story in a public forum. With

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<sup>460</sup> “The African Captives,” 44.

<sup>461</sup> *Ibid.*, vi.

<sup>462</sup> The Spaniards were absent from the September proceeding without placing reason on the record; they were represented by their legal counsel. By the January 1840 trial, the Spaniards were incarcerated in New York unable to make bail, after being accused of abuse and mistreatment of the *Amistad* Africans. If they had appeared, and if they had decided to testify on their behalf, Montes would have necessitated a Spanish interpreter. During this period, *El noticioso* continued to advocate for their kin.

<sup>463</sup> A New Haven newspaper.

racist overtones, Day contradicted the reasoning of the interpreters that providing these bladed weapons had nothing to do with self-defense or violent resistance. Instead, he was convinced that the Africans had good intentions. Surprised himself, he attempted to dissuade further criticism. He commented: “as I can learn, they wanted the knives to amuse themselves with, like children and savages.”<sup>464</sup> A few months earlier, cane knives served as instruments of freedom off the Cuban coast. What happened that provoked the Africans to request knives? Were they seeking ways of protecting themselves, or plan an escape from prison in case the judicial cause failed? Were their lives being further threatened in jail by unwanted visitors paying 12.5 cents to visit them?

It is possible that off-the-record dialogue with the interpreters elicited additional information that made them even more suspicious of their surroundings. Perhaps, the interpreters assisted them towards their liberation as part of a larger strategy involving their lawyers, or perhaps they simply provided the knives for their comfort or security. Day’s handwritten letter manifested one purpose for the knives: “self-defense” and “to amuse themselves.” But the context and conditions for the request was excluded from the missive.

Day criticized how the interpreters responded positively to the request of their incarcerated fellows. He justified their actions by undermining their understanding on the consequences of providing weapons to those in jail. He commented that “the interpreters are too little accustomed to reflection, to think of the impropriety of furnishing men who are under restraint with dangerous weapons.”<sup>465</sup> In a condescending manner, Day questioned the analytical and decision-making capacity of the interpreters to gauge the impact of furnishing the knives in a highly tense situation. A few lines further, Day quickly

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<sup>464</sup> AMA FI 4650.

<sup>465</sup> Ibid.

interjected to justify their actions, “perhaps, the majority of our own people would have acted as they did.”<sup>466</sup> “Our people,” referring to non-Africans abolitionists, supportive newspaper readers, or the sign language community cajoled in similar circumstances and jailed in a foreign country would have resorted to procuring knives for their fellow kin.

For an interpreter today, asking any visitor to purchase any objects or grant favors to those receiving interpretation, especially weapons, would grossly violate the Code of Ethics and standards for the profession. At present, if the Court finds any interpreter responsible for such an act, consequences for the interpreter may range from losing her standing in a court or certification, to being charged of conspiracy or a criminal charge, or banned from this case and the courtroom.

No primary source from that period recorded any consequences to their behavior. At the next hearing, this incident was not pondered, nor was it utilized to motion the court to exclude Covey from serving as interpreter. On the contrary, the interpreting skills of Covey and Pratt received praise and acclamation. Pratt eventually returned to the Brig to continue journeying in the Mid Atlantic, and Covey became the main interpreter in the *Amistad* Case. If this were a historical novel, the mysterious knives story would be linked to a larger plot towards the liberation of the *Amistad* Africans. Letters from the USA government revealed that the *Grampus*, a US Navy ship, waited in the New Haven harbor ready to transport the Africans to Cuba, certain of this outcome.

Simultaneously, the abolitionists planned a similar strategy with a vessel sailing northbound. Orchestration of a liberating strategy “by-any-means necessary” occupied the anti-slavery movement in case the trial judge ruled against them. Simeon Jocelyn reminiscing in 1884, forty-five years after the verdict recorded:

The *Grampus* was not the only ship in New Haven harbor, during these exciting days, under secret orders. The members of the *Amistad* committee,

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<sup>466</sup> AMA FI 4650.

or some of them, in connection with Nathaniel Jocelyn, a brother of Rev. S.S. Jocelyn of the committee, had another vessel here ready to receive the Africans, in case of an adverse decision, and run them off to some more friendly shore. Plans had been laid for their rescue from the jail, for this purpose, if necessary by force.<sup>467</sup>

In the same historical novel, the interpreters would not have acted in isolation. The freedom vessel and the knives were related. The plan responded to a liberating strategy from within and without the prison. All acted in harmony—Africans, interpreters, *Amistad* lawyers, and the abolitionist community at large—to send them to the underground railroad via northward currents. The interpreters gladly accepted their non-interpreting role in this scheme, knowing slavery in their recent past, and powerless before judicial, political, and societal structures that supported slavery and colonialism. Without metal detectors and using as a pretext that they were “too little accustomed to reflection,” strategists selected interpreters to carry out this task. The abolitionist lawyers, those who enabled their clients with weapons, could not attribute their actions to being “too little accustomed to reflection.” Interpreters who historically, *pagan por los platos rotos*,<sup>468</sup> offered the right cover for bringing knives to prison.

Covey and Pratt’s “knife” intervention revealed various important aspects about trust and closeness in this case. First, it displayed the deep level of trust developed between Africans and the interpreters in just short of three weeks, since Covey and Pratt and the Africans met. Second, Africans and interpreters exchanged dialogues and visits without the presence of the “witnesses” or the litigation team. In a short time, they developed a friendship bond in the process of providing a linguistic service. Third, in the *Amistad* context forging a meaningful connection and trust by any means possible was more valuable than following expected court protocol. Africans in the *Amistad* period, living

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<sup>467</sup> Jocelyn 1886, 349.

<sup>468</sup> Interpreters often considered a weak link in the communication chain could be easily blamed for mistakes, especially in contexts of conflict.

outside of the prison, spoke English, and Africans behind bars spoke African languages. Both, however, shared a common story. Knives were purchased three weeks after the interpreters arrived, and a month before the November trial. Perhaps this was an early exercise in how long concealment in their jail cells could be successful, as the liberating team perfected the exiting plan. Interpreters proved to have a double function: one, as linguistic mediators; and second as weapon carriers, both utilized by the *Amistad* Committee as liberating tools.

### **Interpreter's Depositions Support Cultural and Language Identification**

As has been discussed, language identification was entwined with ethnic identification. Proving where the Africans were from was important to confirm that they were taken to Cuba illegally. Written affidavits, by the interpreters Covey and Pratt, served as 'linguistic and ethnic depositions.' Interpreter candidates Mr. Hanson, Dr. Madden, and Prof. Gibbs also signed documents swearing to the places of birth and languages spoken by the captives, children, and adults. *Amistad* Case files contain Ferry's own deposition,<sup>469</sup> taken in Hartford, CT., stating:

That he has seen & conversed with the children...and this deponent further saiths that the same children are all Africans by birth....Teme is of the Congo nation, and that Kagne and Margui are of the Mandingo tribe or nation...he can judge that the eldest of them and the children is about nine years old and the youngest about seven years of age.<sup>470</sup>

John Ferry's deposition seconded the supposition that the *Amistad* Africans were brought recently from Africa. With depositions such as this one, the Spaniards' lies continued to crumble. The young Africans were children, seven to eleven years old, not natural-born

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<sup>469</sup> *Amistad* Case files contain also Charles Pratt's and Andrew Hanson's deposition. James Covey's deposition, in contrast, a document submitted as evidence in this case, can be found in The Family Baldwin Papers, at Yale University.

<sup>470</sup> "John Ferry's deposition," National Archives in Boston.

Cubans. The African children—three girls and one boy—were physically visibly smaller in size than children their age in Connecticut, and this evidently disqualified the claim of Pedro Montes as their legal “owner.” Without any clear timeline on when the suitable interpreter would be found, the abolitionists secured affidavits from those who could provide expert knowledge regarding the ethnic background of the *Amistad* Africans. In the event that the interpreter or the deponent did not appear in court, sworn documents were submitted as evidence.

Not all candidates or expert linguists signed affidavits. Nonetheless, those candidates, linguistic experts, and interpreters who signed sworn statements established the connection the African’s ethnicity and their spoken languages. For instance, handwritten letters as discussed earlier, explicated how the candidates Samuel Barney and Levi Gauges drew this connection, even though their language proficiency was not sufficient to communicate effectively with the defendants and to be deemed interpreters in this case. Newspaper articles published the opinions of Madden, Day, and Gibbs, substantiating the undeniable truth that the jailed captives were not Spanish speakers and had spent less than a month on Cuban soil. As time drew nearer to the first court proceeding, scheduled for September 17<sup>th</sup>, it became clear that none of the candidates could serve as court interpreter. Forced to continue the proceedings without the desired interpreter, the legal team resorted to other forms of communication—Sign Language.

The *Amistad* Committee became cognizant of the fact that the inability to express themselves and to understand was a painful reality. A September 26<sup>th</sup> article titled, *An interesting scene in prison*, which describes a religious service conducted in prison,<sup>471</sup>

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<sup>471</sup> Unfortunately, Abolitionists invested equal amount of time to find interpreters for the Africans as to organize evangelistic and proselyting activities with the objective to enculturate them into protestant religiosity, English language, and Anglo culture. Abolitionists referred to the Africans as “pagans,” even “savages,” terms that are discriminatory and racist. Their usage stands in contradiction to their efforts to liberate the Africans undermining their God-given cultural heritage and ethnic diversity.



expressed the abolitionists' sympathies towards the plight of the Africans. Despite not having an interpreter, their poised demeanor demonstrated respect for the English-speaking preacher they could not understand. Tappan, who authored this article, noted, "it was interesting, and painful too, to see these pagans [sic], from a far distant land, gazing at the speaker, and listening to this discourse which was in a language wholly unknown to them"<sup>472</sup> (See Fig. 64). They sat, patiently, in the same room throughout the duration of the service until someone requested that the preacher "try to explain to the Africans, through the interpreter."<sup>473</sup> John Ferry, present at the service, along with Grabbeau interpreted the summary offered by the preacher, Mr. G. The article recorded how Ferry and Grabbeau employed the method of relay interpretation to convey the sermonic message by Mr. Gallaudet:

Mr. G. with Mr. Ferry, the African Interpreter, and one of the prisoners named Grah-bah-wah, who is from Gallinas, stood on his right and left to communicate his thoughts to his attentive audience. This man speaks the Kissi dialect better even than Bowle or rather Baboo. Mr. G. expressed his thoughts to Mr. Ferry, he translated them into the Kissi dialect to the man above named, who made them known in the Mandingo tongue, in a very animated manner, to his comrade. (See Fig. 64).

The complication of not finding an interpreter for the Mendi Africans called for creative means to facilitate communication, as recalled by this narration. From English, Ferry transferred the message into Kissi, one of the languages spoken by a few of the Africans. From Kissi, Grabbeau converted the message into Mendi, the most common language among the *Amistad* captives. This relay interpreting episode was conducted at a slow pace. Tappan shifted his narrative style from paragraph to sentences when describing the interpreted message (See Fig. 64). The

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<sup>472</sup> "Interesting Scene in Prison," Sept 26<sup>th</sup>, 1839, *The Emancipator*.

<sup>473</sup> Ibid.

sentences, separated by a hard return and quotations, strongly suggest the rhythm of the relay interpretation scene. The time that elapsed during the interpreted oration allowed Tappan to complete writing the original source, reported in the newspaper “sentence-by-sentence.”

After the services were ended, and the county prisoners had withdrawn, Mr. Gallaudet was requested to try to explain to the African prisoners, through the interpreter, some of the great truths of revealed religion. Accordingly, they all stood in front of the platform, with the exception of Jinguah, who sat in a chair in front of the group, while Mr. G. with Mr. Ferry, the African interpreter, and one of the prisoners named Grah-bah-wah, who is from Gallinas, stood on his right and left to communicate his thoughts to his attentive audience. This man speaks the Kissi dialect better even than Bowle or rather Bahoo. Mr. G. expressed his thoughts to Mr. Ferry, he translated them into the Kissi dialect to the man above named, who made them known in the Mandingo tongue, in a very animated manner, to his comrades. Most of them listened with eager attention, and I indulge the hope that many new and invaluable ideas were communicated to them. May the Holy Spirit imprint them indelibly on the hearts and consciences of these benighted men! The substance of what Mr. G. said is as follows, each sentence having been fully explained by itself.

“I am your friend, and wish to say a few words to you about God.

“I know about God, for I have this book (showing a Bible,) that tells about him.

Fig. 64<sup>474</sup>

The scene displayed represented a non-judicial scene, a worship service in jail. Alongside their incessant search for an interpreter, unfortunately the abolitionists pressed the Africans into religious indoctrination, in an attempt to strip them of their cultural and religious heritage. Ferry and Grabbeau applied their linguistic skills within a religious-conference interpreting scenario.

<sup>474</sup> Sept 26<sup>th</sup>, 1839, *The Emancipator*.

## **The Postponement of the November 19<sup>th</sup>, 1839 Trial: James Covey accused at fault**

The November trial did not happen as planned. Some blamed James Covey, the interpreter, with scorn. Covey fell ill. This caused the adjournment of the trial date to January 9<sup>th</sup>, 1840, two months after the expected date. The November 23<sup>rd</sup>, 1839 issue of the Spanish newspaper, *El Noticioso de Ambos Mundos*, promptly opined on this unfortunate situation. Published in the column for USA matters, “*Estados Unidos*,” the Spanish community anxiously waited for the conclusion of this political nightmare (See Fig. 75).

*Este desgraciado negocio que quedó pendiente en el tribunal de Hartford y se pospuso hasta el Mártes último, ha vuelto á posponerse hasta el 7 de Enero próximo venidero, con el pretesto de que el negro intérprete del bergantín ingles Buzzard ha caído enfermo....Sin embargo ya vemos que va tomando el asunto otro semblante; y la declaración que por medio de su fiscal ha hecho el Gobierno de Washington, nos hace esperar que al fin conseguiremos el que se nos haga justicia.<sup>475</sup>*

[Eng. Trans.: This unfortunate matter pending in the Hartford Court, postponed for last Tuesday, has been adjourned again until January 7<sup>th</sup> with the excuse that the Black interpreter of the Brig Buzzard fell ill...However, we can see that things are shaping up; and the petition made by the prosecutor to the government in Washington, makes us believe that, in the end, we will see justice in our favor.]

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<sup>475</sup> “Goleta Española Amistad,” *Noticioso de Ambos Mundos*, 23 de noviembre de 1839.

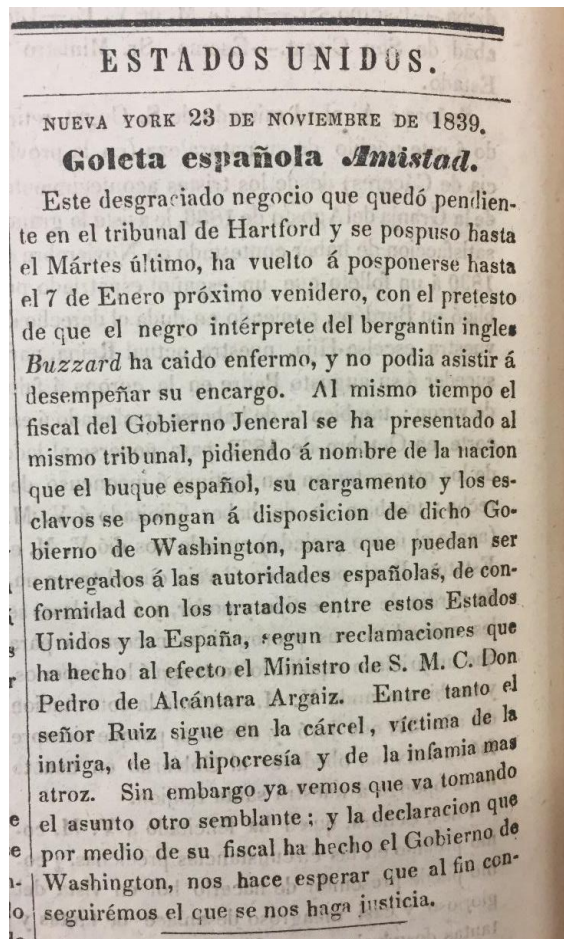


Fig. 65<sup>476</sup>

With racist overtones, the frustrated editor referred to the interpreter as “*el negro intérprete*.” The editor criticized both the fact that the “interpreter” was “black,” and that this “black” person was the “interpreter,” a perspective that undermined and discriminated against both identities. While currently the word “*negro/a*,” it is often used as an endearment term in Caribbean lingo, it is unlikely that this was the intended meaning. Throughout the course of this *Amistad* Case Spanish proclivities constantly endorsed pro-slavery ideologies. The editor doubted the illness of the interpreter as a reason for postponing the trial: “*con el pretesto de que el negro intérprete del bergantín inglés Buzzard ha caído enfermo*” (with the excuse that the Black interpreter of the Brig Buzzard

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<sup>476</sup> Ibid.

fell ill).<sup>477</sup> The *Amistad* Spaniards knew that now with Covey, as interpreter of the *Amistad* African, the truths of the Africans stood in direct opposition to their colonizing and enslaving objectives inside the hull of their unfriendly vessel. This stood in contradiction to the hopes placed by the editor on the USA governmental actions and prosecutor to return the schooner, slaves and property to the Spaniards.

As explored in the chapter on Translation Matters, during the Fall of 1839, extensive diplomatic correspondence from the Executive revealed a strong inclination on the part of the USA to respond readily to the concerns of the Spanish government that voiced the concerns on behalf of the *Amistad* Spaniards. Based on this correspondence, the newspaper editor expected justice to tilt in their favor, “*nos hace esperar que al fin conseguiremos el que se nos haga justicia*” (we are hopeful that at the end justice will be served).<sup>478</sup> Their hopes in the judiciary fluctuated. Appalled they wrote extensively on the lack of jurisdiction of the US courts to decide on property and slaves of another nation, citing international treaties and jurisprudence. As the case progressed, feelings heightened, especially with the arrest of “*los señores Ruiz y Montes,*” and on motions filed by the *Amistad* Africans against them for abuse and torture.

Filing these motions resulted after the African defense team interviewed the captives with the assistance of the interpreters. As interpreters, Covey and Pratt contributed to dismantle slavery and institutionalized racism. The *Amistad* Case was unique in this way. The USA judicial system rarely holds accountable people enjoying “white privilege,” those violating the human rights of the marginalized, the poor, the non-English speakers, and African descendants. While the *Amistad* Spaniards did not serve time in jail as a consequence of a guilty verdict or decision by a judge, they were

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<sup>477</sup> Ibid.

<sup>478</sup> Ibid.

imprisoned for several months in jail for their inability to make bail. In a country divided along ideological postures of slavery, pressing charges on slaveholders for their mistreatment of “their property,” represented a slight victory in this case and for the anti-slavery cause.<sup>479</sup>

Spanish newspapers maintained that the imprisonment of the *Amistad* Spaniards represented the real victims in this case. *El Noticioso de Ambos Mundos* referred to the Spaniards, “*los blancos*,” (the whites) as the “*parte mas débil*” (the victims), not the Africans. As seen earlier, doubt and contempt accompanied the notion of the interpreters’ ability to perform their jobs with excellence. With feigned elegance, another article in the same issue condemned the retention of this case in USA courts. Furthermore, it affirmed the ability of the Spanish courts to provide Mendi-qualified interpreters, equally or better prepared than those utilized in Hartford, CT. The lengthy article entitled, “*¡Todavía mas acerca de la goleta Amistad!*” (Still more on the *Amistad* schooner!) was written to buttress the plea of the Spaniards and to communicate their outrage after their arrest. The article, hypothetically, referenced interpreters provided to the Africans if the case was tried in Cuba: “*y los intérpretes que se les den serán tan legales ó mas que los que aquí han tenido*” (And the interpreters provided would be as competent or more than those they have had here).<sup>480</sup> (See Fig. 76). The Spaniards were probably right. After centuries of colonized activities, the Spanish colonial structure was better prepared to provide interpreting and translation services to defendants and plaintiffs in their courts.

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<sup>479</sup> Future research may reveal how often was this judicial practice employed during the nineteenth century in the USA and in Spanish colonies.

<sup>480</sup> “Goleta Española *Amistad*,” 23 de noviembre de 1839, *Noticioso de Ambos Mundos*.

Supongámos un buque tripulado por blancos en el que se asesina al capitan, ¿ quien debe juzgar á los criminales ? Un tribunal de la nacion bajo cuya bandera se ha cometido el crimen en alta mar, Esto es lo que prescribe el derecho de gentes. Añádase á esto que aquí ademas hai un tratado, que este es una lei jeneral de la Union, y lei superior á la de los Estados, y dígasenos ¿ de donde viene á ningun tribunal de este pais entender en este negocio ? Lo mas que podemos concederle es la facultad de probar el hecho, esto es si en la goleta Amistad, el 30 de Junio por la noche, se cometió el crimen de asesinato ; probado esto, solo á tribunales españoles les corresponde juzgarlo; en ellos los negros podrán alegar causas atenuantes, y aquellos tribunales las admitirán si son admisibles ; y los intérpretes que se les dén serán tan legales ó mas que los que aquí han tenido.

Fig. 66<sup>481</sup>

## Chapter 8. Court Interpreters in Spain and Spanish Colonies

For centuries Spain had experience with interpreters in court. Three centuries earlier, Spanish courts in mainland Spain and its colonies enacted laws establishing court interpreting standards. Since the fifteenth century the Catholic royalty, under King Carlos V, had institutionalized a way of responding to the multilingual and multicultural nature of his kingdom, demanding the need for translations of diplomatic correspondence. The need fostered the creation of the *Secretaría de Intepretación de Lenguas*, known today as the *Oficina de Interpretación de Lenguas* (The Office of Language Interpretation) within the Ministry of Foreign Affairs.<sup>482</sup> In her article, “*Breve historia de la secretaría de interpretación de lenguas*,” Ingrid Cáceres Würsig describes the birth of this office, a pioneering step at the time. *La secretaría* translated official correspondence such as peace

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<sup>481</sup> Ibid.

<sup>482</sup> Cáceres 2004, 624.

and war treaties, agreements, and royal decrees.<sup>483</sup> Latin and French represented the written *lingua francas*, while Italian and Spanish became the oral *lingua francas*. With time, Cáceres demonstrates how as the empire expanded, so did the types of documents, i.e. religious documents, top secret documents, as well as the working languages of this office incorporating Turkish, Arabic, German, Flemish, Portuguese, Greek and Persian, to mention some. The English language must have featured in this listing, considering the international relations and treaties signed between England, Spain, and the USA during this historical period. If so, in the *Amistad* Case this *Secretaría* was charged with the translations of the diplomatic correspondence between Spain and the USA, unless delegated to the governmental office in the USA. Cáceres notes how it was not until the middle of the nineteenth century that laws were enacted to regulate the role of the court interpreter in mainland Spain. As early as the end of the sixteenth century, Spain enacted laws that required the presence of interpreters in colonial judicial hearings to facilitate Native Peoples<sup>484</sup> bringing their grievances to court as a consequence of living and working in *las encomiendas*.<sup>485</sup>

Cynthia Giambruno explored the fourteen laws contained in Title 29 of the *Leyes de las Indias*, Vo.II. “that set out in some detail the rights and responsibilities of the interpreters who worked in the judicial system.”<sup>486</sup> Promulgated within a span of a

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<sup>483</sup> Ibid., 610.

<sup>484</sup> Original Spanish documents referred to them as “*Indios*.” The Original Peoples, First Peoples, or Native Americans, as they are called today, comprised in the nineteenth century hundreds of nations, for instance, Mayans, Aztec, and Incas. Generally speaking, today these would be those living in what is known today the Caribbean, Central and South America.

<sup>485</sup> *Las encomiendas* were a legal system in the Spanish colonies whereby the Spanish crown granted colonizers with Native Peoples living within a geographical area. Colonizers exacted taxes and were required to engage in evangelizing-Christian practices. In addition, they were expected to protect the Indigenous people. Instead, the system grew into corrupt enslaving system that took over their lands and exploited the Native Peoples. It was finally abolished at the end of the eighteenth century.

<sup>486</sup> Cynthia Giambruno, “The role of the interpreter in the governance of sixteenth- and seventeenth-century Spanish colonies in the ‘New World’” (Philadelphia: John Benjamin, 2008), 31.



hundred years beginning in 1529, they remained in effect at least until the late eighteenth century when *las encomiendas* were abolished. “The Law of the Indies” envisioned the provision of language access to non-Spanish speakers appearing in court, as well as interpreting professional standards. Giambruno summarizes the content and spirit of said laws:

The laws are succinctly written and address topics such as the qualifications, skills and traits an interpreter should have, how interpreters should interact with the parties to judicial or administrative proceedings, what rights interpreters have as regards the workplace, work hours, and remunerations, and what constitutes ethical behavior.<sup>487</sup>

Interpreters or *lenguas*, as they were referred to in these ordinances, played a pivotal role in the colonization and Christianization of the southern American continent. In contrast, as Giambruno points out, their level of impact did not equate to being respected by the system or the quality training received; they “did not enjoy high prestige or recognition for the service they provided. They were not trained or instructed in any way and were often drawn from the domestic staff of the conquistadores or were held in *encomienda*.”<sup>488</sup> At the same time, the existence of these ordinances in the Spanish-colonial courts in the sixteenth and seventeenth centuries exemplified the importance of establishing standards and protocols for interpreters to safeguard their needs and the needs of the multilingual societies they served. Some of the standards and protocols display concerns and solutions that resonate with twenty-first-century preoccupations. For instance, Law II stipulated that “there shall be an adequate number of interpreters in the courts, and they shall take the oath stipulated by this law.”<sup>489</sup> Interpreters in these courts

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<sup>487</sup> Ibid., 33.

<sup>488</sup> Ibid., 33.

<sup>489</sup> Translation of Spanish laws into English are those offered by Giambruno in her article. The Spanish original is included in this footnote: *Que haya un número de intérpretes en las audiencias, y juren conformen a esta ley*, 37.

were drawn from the same indigenous communities, the *encomiendas*, seeking assistance from the courts. As in the *Amistad* Case, these interpreters shared a socio-cultural proximity to the defendants or claimants they served.

Being sworn in continued to be a standard procedure for interpreters at the beginning of proceedings in sixteenth-century Spanish colonial courts and in nineteenth-century USA courts. Explanation of the law underlined the importance of interpreters assuming their tasks with impartiality “[*sin*] *favorecer más a uno que a otro*” (without favoring one of the parties over the other).<sup>490</sup> As a deterrent against impartial actions, Law VI warns interpreters from discussing legal matters with “Indians” in their homes, “*ni fuera de ellas*” (or anywhere else).<sup>491</sup> This law specified that these matters should be brought before the court, otherwise, steep penalties were set for the interpreters who infringed the law. Professionals in the field, there and now, are discouraged from offering advice. In addition, they should avoid the appearance of impartiality. The fact that the redacted law penalized interpreters who discussed judicial matters with those serviced suggests the opposite as a common practice, hence the need to establish a norm to curtail this type of behavior. The interpreters and the claimants shared a common background; perhaps some of them may have neighbors. Whether a physical, linguistic, or cultural closeness, both parties may have gravitated naturally towards each other within an adversarial system, as seen with the “knives incident” in the *Amistad* Case. Furthermore, stating the need to procure “an adequate number of interpreters in the courts” suggests a

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<sup>490</sup> A similar concern is expressed in Canon 2—Impartiality and Conflicts of Interests of the NAJIT Code of Ethics and Professional Responsibilities for court interpreters: Court interpreters and translators are to remain impartial and neutral in proceedings where they serve and must maintain the appearance of impartiality and neutrality.

<sup>491</sup> *Ibid.*, 41.

high demand for interpreters and an inconsistency between their numbers and the needs of the court and its claimants.

The laws also displayed awareness of the taxing task of interpreting in trial. To this end, Law XI stated that “the interpreter shall receive a set fee for each witness that is questioned.”<sup>492</sup> If the interpretation assignment involved “12 questions or less,” interpreters were compensated over their daily wages, although this was discretionary. The judge may determine additional payment if “*el interrogatorio fuere grande, y la causa ardua*” (“if the interrogation is long and arduous”).<sup>493</sup>

“The paper holds” (*el papel aguanta*) that such written ordinances did not guarantee implementation by all officers, interpreters, and parties to the cases. Did stipulation of ordinances respond to a genuine interest to uphold the rights of Indigenous people, those directly affected by the *conquista* that established *las encomiendas* originally? Were the ordinances intended to protect the interpreters or instead to protect the proceedings of the court? Most likely, some of both, with a tilt towards the powers that be. Despite the unclear intentions behind these ordinances, they responded diligently to a palpable judicial need: to provide linguistic mediation to hear with fairness the complaints of the colonized peoples. In providing access to the courts, the system aimed to tame civil discontent and unrest among the Native Indigenous peoples. Contrary to their counterparts in the northern English-speaking states, the Spanish empire adopted advanced judicial measures that established court interpreting protocols. When the editor of the newspaper, *Noticioso de Ambos Mundos*, remarked that in Cuba, “the interpreters

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<sup>492</sup> Ibid., 44.

<sup>493</sup> Ibid.

provided would be as legal or more than those they have had,”<sup>494</sup> there was truth in this statement.

Josep Peñarroja Fa argues that these ordinances evolved through time. By the first half of the nineteenth century, most of the population in Cuba did not speak Spanish.<sup>495</sup> This observation coincides with the increased number of African descendants forced onto Cuban soil. The economic boom of the slave trade, after the independence of Haiti and the abolition of the slave trade by European nations, also prompted a spike in the number of the international non-Spanish colonizers in Cuba. To attend to the linguistic challenges and needs of the Cuban population, the Spanish crown issued the Royal Order of June 16<sup>th</sup> of 1839 to create the “*intérpretes públicos*” (public interpreters). Courts had a double task: first, to provide linguistic access to non-Spanish speakers, and second, to protect their political and economic interests by naming their own “trustworthy” interpreters: “*En todos los asuntos de oficio nombrarán precisamente las autoridades a los Intérpretes públicos para los casos en que sean necesarios; y estos deberán asistir con exactitud a su llamada evacuando con toda fidelidad el encargo que se les confíe, previo el correspondiente juramento, cuando se creyere necesario*” (For all official business, the authorities shall name the public interpreters for the cases they deem necessary. The interpreters shall attend promptly to the cases entrusted with faithfulness, after taking the required oath when believed necessary).<sup>496</sup> In naming their own interpreters the Cuban-Spanish authorities safeguarded their colonial and enslaving interests in the courts.

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<sup>494</sup> Nov 23rd 1839, Noticioso de Ambos Mundos.

<sup>495</sup> Josep Peñarroja Fa, “*Historia de la Profesión: historia de los intérpretes jurados.*” <http://www.atijc.com/es/historia.htm>. Accessed July 16, 2018.

<sup>496</sup> Ibid.

The discretionary aspect of taking the oath responded to court privileges when evaluating the trustworthiness of the court interpreter. As it has been discussed, trust is a relative and subjective concept, which shaped the recruitment process and the relationship of the interpreters and the Africans. The Spanish ordinance raises another angle regarding the “trust” factor as it related to the judicial-colonial body. During the January 1840 trial of the *Amistad* Case, an interpreter deemed “trustworthy” refused the administration of the oath. He had openly professed his anti-slavery stand point and without the objection of the Court or opposing parties.

The *Noticioso de Ambos Mundos* accurately informed its subscribers that the November 1839 trial was postponed. Judicial reasons behind the adjournment varied on Spanish and English newsstands. As mentioned, the Spanish newspaper attributed the action to an interpreter fallen ill, while *The Daily Herald* <sup>497</sup> informed its readers of a different reason. The November 21st edition of the Daily Herald published an excerpt from the *Hartford Courant* on the main issues discussed at said hearing. Mr. Isham counsel for libellants, Gedney and others, petitioned the court for compensation “for their services in preserving the property of these Spaniards,”<sup>498</sup> leaving the court to decide on a “reasonable” amount. On the other hand, Mr. Baldwin, on behalf of the Africans, argued the importance for them to be allowed to testify in court, otherwise, “their most important rights would be sacrificed.”<sup>499</sup> His arguments emphasized that the court could not consider them as property and that only the “inanimate” portion of the cargo aboard *La Amistad* should be contemplated as compensation to the “salvors.” The Judge, in contrast, deviated from the arguments of counsels to jurisdictional issues, whether the seizure

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<sup>497</sup> *The Daily Herald*, Nov 21<sup>st</sup>, 1839.

<sup>498</sup> *Ibid.*

<sup>499</sup> *Ibid.*

occurred in New York or Connecticut. The reporter observed that for the remainder of the proceeding the discussion centered on “the examination of witnesses upon this point.” The article made no acknowledgment of the presence or absence of the interpreter.

After at least two days of court proceedings, the article summarized: “Wednesday—The court assembled this morning at the City Court Room; seven of the slaves were brought into court. A great portion of the morning was occupied in the discussing a question of adjournment, for a day or two, in order to give time for one or two important witnesses to arrive. P.S.—The Court have just agreed to adjourn, to meet at New Haven, on Tuesday, the 7th of January next, “The Law’s delay’.” (See Fig. 77). In fact, the witnesses referred to in the article, one of them the Spanish minister in the USA, were to testify in favor of libellants.

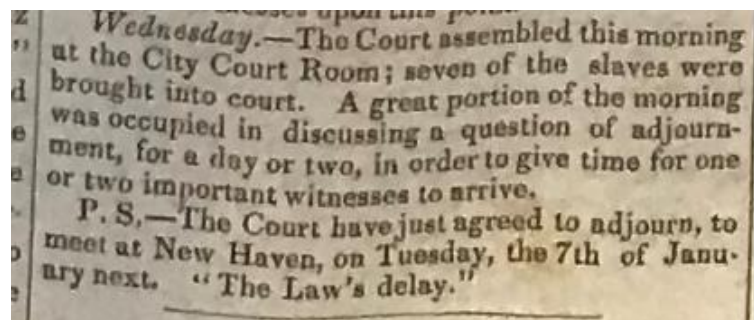


Fig. 67<sup>500</sup>

The phrase “The Law’s delay” echoed the words of Hamlet’s soliloquy. The second reference to Shakespeare in the *Amistad* saga—the first compared Sengbe Pieh to Othello (See Fig. 67). This Shakespearean phrase encapsulated the frustration at the adjournment, which postponed the case until months later. Thomas F. Hargis in his article, *The Law’s Delay*, explores the connection to this phrase with the suffrage movement of the nineteenth century in the United States. He explains:

Before and since Hamlet’s soliloquy was written, the law’s delay has been a by-word and reproach, a source of anxiety and unhappiness...the

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<sup>500</sup> Nov 21<sup>st</sup>, 1839, *The Daily Herald*.

principal source of the law's delay is the law's defects, originating immediately in the venality, neglect, or incapacity of legislators, which springs from their election by the ignorance, corruption, or partisanship.<sup>501</sup>

Justice would not serve either side: the libellants, Ruiz and Montes, or the Africans.<sup>502</sup> From both sides of the slavery issue, Spanish and English newspapers equally echoed their frustrations to the law being delayed to January 7<sup>th</sup>, 1840. Other sources confirmed that Dr. Madden sailed from Cuba to appear in the November trial. Although James Covey and Charles Pratt were considered expert witnesses, the article failed to explicate their presence or absence as crucial to the defense case. With the negative public image of the interpreter in pro-slavery newspapers, opposite ideological newspapers attempted to balance their image and offered other reasons for the adjournment by not mentioning the status of the interpreter.

Towards their goal of winning this case, abolitionists continued to defend their interpreters in English and Spanish newspapers. A translated letter from Lewis Tappan published in the *Noticioso de Ambos Mundos* read: “*dos hombres, naturales del África, pertenecientes a la tripulación del bergantín de guerra inglés Buzzard, que está ahora en este puerto, están obrando como intérpretes, y entienden bien la lengua nativa de los negros de la Amistad*” (two men from Africa who are crew members of the *Buzzard*, the brig of war, presently, anchored in the ports, are serving as interpreters and understand well the native language of the *Amistad* Africans).<sup>503</sup> A postscript to the published letter affirmed the intention of the newspaper to voice contrary opinions. Although no information validated the submission of the letter in English, the usage of the word

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<sup>501</sup> Hargis 1885, 1.

<sup>502</sup> Articles from the abovementioned newspaper eventually favored the Africans, although during the first week after the arrival of the schooner in New London, they referred to them as “pirates” before the editor's conversion in support of their liberties and freedom.

<sup>503</sup> Back translation by researcher.

“*negro*” (Black) signals the Spanish translation by the *Noticioso* newspaper. The majority of English articles in *The Emancipator* redacted by Tappan demonstrated a preference for the term “Africans” versus “black.” Tappan defended the linguistic competency of Covey and Pratt, who also offered a compatible ideologically trustworthy match for this very controversial case. On the other hand, for the Spaniards, a Mende interpreter portended a different version of their sworn version, even if this had to wait to January 1840.

An editorial from Joshua Leavitt, published by another New York newspaper, the *Zion’s Watchman*, summarized the brief proceedings of November 19<sup>th</sup> and documented the reasons for the postponement (See Fig. 68). On his way to Hartford to attend the trial, Leavitt stopped in New Haven to converse with Dr. Madden an “esteemed friend.” Madden and a material witnesses on behalf of the *Amistad* Africans travelled from Cuba to testify. Leavitt’s lengthy letter began noting the health condition of the “African interpreter” who was “quite unwell, and not able to go up in the evening boat.” Leavitt was “grieved” to find out about this situation. After this finding, he left a note to Mr. Townsend asking his permission to send Covey to Hartford in the morning, although he ascertained that already “Mr. T. urged his attendance as far as a due regard to humanity would allow.” Leavitt’s explication sounded conflicted. A judicial and justice urgency required the presence of the interpreter at the first open court proceeding after being found and recruited. The timing of Covey’s sickness could not have been worse. This particular case grabbed the attention of many, especially of Madden. The Africans, the abolitionists, the pro-slavery side, the executive branch, the Spanish community and diplomats, all waited for the finale of this case. Covey’s sickness prevented him from performing the interpreting duties on behalf of his fellow Africans. The chronicle left out the name of his illness, although a medical doctor treated the interpreter. Leavitt defended the doctor’s opinion that Covey stay in New Haven and noted “that the very respectable physical who



was in attendance, remained of the opinion that he could not safely take its journey.” Aside from all interpreters in this case before Covey, none replaced him, and he was sick:

I was grieved to learn that the African interpreter, James Covey...was quite unwell, and not able to go up in the evening boat, as had been arranged. As it was then too late to see any one in town, I addressed a note to Mr. Townsend, urging that Covey should be sent in the morning at every hazard short of life and death; and I have reason to believe that Mr. T urged his attendance as far as a due regard to humanity would allow, but the very respectable physical who was in attendance, remained of the opinion that he could not safely take its journey.<sup>504</sup>

Midway through the letter, in the section “Wednesday, November 20,” Leavitt elaborated on decisions made in court and the reasons for moving the trial. Venue and date changed to Hartford on January 7, 1840. Both sides had worthy reasons to defer that proceeding (See Fig..67). A sickness detained a material witness in New Haven, James Covey, “on the part of the Africans.” When it came to the Amistad trial, Covey’s role was two-fold, as expert and as material witness. An expert witness is that one who has “special knowledge, skill or experience in the subject about which he is to testify.”<sup>505</sup> His expertise involved expert knowledge on the language of spoken by Africans, and the language of the court, allowing him to interpret for them and for the Africans to engage with their surroundings. A material witness is “one who can give testimony that might have a bearing upon the outcome of a cause and that no one else is able to give.”<sup>506</sup> As the trial date approached, Covey’s contribution to the trial evolved from an expert to a material witness. Covey, Pratt, and Ferry served as material witnesses. Most of them offered affidavits,

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<sup>504</sup> “To the committee on behalf of the african captives,” Joshua Leavitt, *Zion's Watchman*, November 30, 1839.

<sup>505</sup> Expert witness. (2016). In s. H. Gifis, *Dictionary of legal terms: definitions and explanations for non-lawyers* (5th ed.). Hauppauge, ny: barron's educational series. Retrieved from: [https://search.credoreference.com/content/entry/barronsgkwm/expert\\_witness/0?institutionid=1032](https://search.credoreference.com/content/entry/barronsgkwm/expert_witness/0?institutionid=1032)

<sup>506</sup> Material witness. (2016). In s. H. Gifis, *Dictionary of legal terms: definitions and explanations for non-lawyers* (5th ed.). Hauppauge, ny: barron's educational series. Retrieved from <https://search.credoreference.com/content/entry/barronsgkwm/witness/0?institutionid=1032>

depositions, or sworn testimonies. Covey's "materiality" became essential in his geographical knowledge of the West African coast, the African nations of the *Amistad* Africans, their ages, and the languages they spoke. As a witness testifying in court, Covey was prone to interrogation, cross-examination, and even impeachment. Courts accommodate parties' needs for adjournment. Contrary to biased positions by pro-slavery parties in this case, Covey was not the only one causing a postponement of the case. Navy lieutenants had conflicts with their schedule. Leavitt informed that "to accommodate Messrs. Isham and Brainard, counsel for the libellants, whose engagements rendered in impossible for them to remain in the city after Thursday."<sup>507</sup>

Other pro-slavery voices joined the Spaniards in blaming Covey for the trial postponement. Editorials in English newspapers seconded the bigotry spewed against the Africans and their supporters. The *New York Herald*, aka *Morning Herald*, diagnosed and opined on the interpreter's illness, three days after the adjournment:

The *Amistad* case has got the go by, and the parties will have to commence again *de novo*, on the 7<sup>th</sup> of January. James Covey, the Buzzard interpreter, has an attack of the Gout, or some similar disorder, contracted under the luxurious feed of the New Haven theological students, and the court has adjourned in order to give the *savans* a nurse up the nigger. Covey is wanted to help the Africans swear as to the position of the *Amistad*, and the number of niggers on shore at the time of the capture...the more the abolitionists have of it the worse they will be off... Leavit, who is here eporting for the New York penny N-paper.... (See Fig. 68).<sup>508</sup>

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<sup>507</sup> Joshua Leavitt, "To the committee on behalf of the African Captives," *Zion's watchman* (new york, new york), Saturday, Nov 30, 1839;191.

<sup>508</sup>New York Herald, Nov 22<sup>nd</sup>, 1839.

**Amistad Case Postponed.**

HARTFORD, Wednesday Evening.

"The king of France, with a hundred thousand men,  
Marched up a hill, and then—marched down again."

The Amistad case has got the go-by, and the parties will have to commence again, *de novo*, on the 7th of January. James Covey, the Buzzard interpreter, has an attack of the gout, or some similar disorder, contracted under the luxurious feed of the New Haven theological students, and the court has adjourned in order to give the savans a chance to nurse up the nigger. The court sat a couple of days, and the whole time was spent on a mere preliminary question as to the jurisdiction of the court. Covey is wanted to help the Africans swear as to the position of the Amistad, and the number of niggers on shore at the time of the capture. If the negro evidence is no more consistant or credible than that of the worthies from Sag Harbor who are here claiming salvage, it will be like self-righteousness, the more the abolitionists have of it the worse they will be off.

Lieutenant Meade stated the circumstances of the capture with great clearness and precision, and with a manly air of frankness and candor that carried conviction to the mind of every body in the court except the niggers, white and black.

Leavitt, who is here reporting for the New York penny nigger paper, was not particularly edified by the testimony, and he grunted and groaned with much perseverance.

Dr. Sharpe also gave his testimony with great ac-

Fig. 68<sup>509</sup>

Covey's supporters received the blame for his contracted illness. The theological students (at Yale, and Sign Language interpreters) and abolitionists represented by "Leavitt" became culprits for being too close together in physical, theological and political proximity to the interpreter. While the editor praised Lieutenant Meade's testimony certain that it would carry the necessary weight to win the case, the others were publicly discredited for their "skin color" and affiliations. The *New York Herald* resented Leavitt's direct involvement in the Amistad Case. As editor of *The Emancipator*, a newspaper that vouched for The Amistad Case and the anti-slavery ideals, Leavitt reported constantly on the development of this important case supporting a greater cause for humanity. Although a white-abolitionist, Leavitt—one of the three founders of the Amistad committee—stood firmly on the opposite pole of the pro-slavery spectrum. In 1839, the general public in New York City, particularly the pro-slavery proponents, knew of his active participation in this case and with related issues. Racial epithets attacked Leavitt and others, like Covey.

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<sup>509</sup> Ibid.

The interpreter, Covey, was scorned for being Black and for his active involvement in assisting the Africans to tell their truth in court. Covey's illness delayed this process.

This article diagnosed Covey with “an attack of the Gout, or something similar.” Gout, kings, luxury, privilege, Africans, abolitionists, and interpreter were linked together in this short article. A nursery rhyme of kings in the battle field opened the brief article. The quote alludes to the futile hopes of a “king”—Leavitt and the abolitionists—of winning a battle with his soldiers—the battle of slavery with Covey, the interpreter. Gout, a worthy disease believed to be of those living in opulence, was considered a “disease of kings, and the king of diseases.”<sup>510</sup> “The luxurious feed of the New Haven theological students” supported Covey whose illness had the illusive power to intervened to postpone the trial. Ascribing gout to Covey is intentionally presented through bigoted lines. Under the auspices of people with means, for the author of the article, Covey et al. belonged to an exclusive army going to battle against slavery. Regardless, in the end all efforts and excuses would be ineffective to impact the guilty projection of a pro-slavery populace. The interpreting issues divided along slavery contentions, with Covey, the interpreter, in the middle of the battle.

Despite Covey's absence, the court carried its judicial business. Dr. R. R. Madden who lived in Havana for over three years, held the office of superintendent of Liberated Africans and for a year served as commissioner of the Mixed Court of Justice. Madden came to testify as a material witness for the defense. His testimony was not taken in an official courtroom setting, but at the judge's chambers at a local hotel. The *New York Herald* confirmed this unusual meeting place: “the evidence of Dr. Madden, a member of

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<sup>510</sup> “Gout: A disease of Kings,” Sydney C.W. Tang, Treviño-Becerra A. Iseki K (eds): Uric Acid in Chronic Kidney Disease. <https://www.ncbi.nlm.nih.gov/pubmed/29393108>. May 19<sup>th</sup>, 2018.

the mixed commission at Havana, was taken at the judge's room at the City Hotel."<sup>511</sup> Although this newspaper forgot to elaborate on Madden's testimony, court files and other newspapers described how Madden connected the concept of "*Bozales*" and "*Ladinos*" to the fabrication of the *Licencias*, discussed in the Chapter on Translation. Furthermore, he testified as to the rampant Cuban illegal slave trade through the *barracón Misericordia* of Pedro Martínez, where he affirmed seeing the *Amistad* Africans. He stated that none of them spoke Spanish, except African languages.

Covey was not the only one sick. Burna, the eldest of the Africans, stayed in prison while the others went to Hartford "being too unwell to accompany them." Written by an unknown contributor and taken from the *New Haven Record* and published in *The Emancipator* newspaper, on November 23<sup>rd</sup> of 1839, the narrator spoke of "we," self-identified as two people "being employed in teaching deaf mutes." Names such as Day and Gaulledet come to mind as possible participants of this visit, but that is uncertain. They, along with another unidentified friend, interviewed Burna in order "to obtain information from him through the medium of signs." The Sign Language visitors brought with them pictures, maps, paper and pencil to facilitate the communication via signage. At first, they describe that Burna had "little notion of this way of talking," and that "he did not seem to enter at once into the idea of conducting a narration by signs. However, their visit between signs, gestures, marks, objects and a lot of willingness to understand each other led to further information on the continent of Africa and the places they were from. At the January 7<sup>th</sup>, 1840 *Amistad* trial, Sign Language speakers were present, but only to testify.

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<sup>511</sup>New York Herald, Morning Herald, Nov 22<sup>nd</sup>, 1839.

With James Covey, the “chief interpreter,” the abolitionists found someone whose “means of communication [was] good as can be desired heretofore” (October 10<sup>th</sup> 1839 *The Emancipator*). Once Covey’s health was restored, the trial date was maintained in due course.

## **Chapter 9. The Amistad Trial from January 7<sup>th</sup> to January 11<sup>th</sup> of 1840**

The *Amistad* Trial refers to the trial proceedings that took place from January 7<sup>th</sup> to January 11<sup>th</sup> of 1840. Colloquial tales attribute the term to the sole trial setting “the captives free.” However, The National Archives in Boston located in Waltham, MA, houses at least seven *Amistad*-related cases with respective folders:

1. U.S v. Cinque and the Africans (Sept., 1839 Term);
2. U.S. v. Fagnannah, et. al. (Sept., 1839 Term);
3. In the Matter of the Habeus Corpus of the Three African Girls (Sept., 1839 Term);
4. Pedro Montes and José Ruiz v. Merchandise, etc. (January 1840);
5. Thomas A. Gedney, et.al v Schooner Amistad, etc. (Sept. 1840 Term);
6. Thomas A. Gedney, et.al v Schooner Amistad, etc. (April 1841 Term);
7. Thomas A. Gedney, et.al v Schooner Amistad, etc. (April 1845 Term).

As mentioned earlier, the official transcripts of The *Amistad* Case do not exist in the federal records. The majority of the official records contain motions, Court decisions, depositions, evidence, as in the case of the *Licencias*, and, occasionally, a few court testimonies. On the other hand, newspapers during that period extensively covered the proceedings related to this case, including the January trial. Without this journal record, the stories and counterstories would be incomplete. I will rely mostly on *The Emancipator*, from New York City, and *The Daily Herald*, from New Haven to extract the interpreting and translation issues during the five-day trial.

### **January 7<sup>th</sup>, 1840. First Day of Trial.**

According to Lewis Tappan, author of the court narration, “the court room was crowded.”<sup>512</sup> The *Amistad* team included three lawyers: Messrs. Staples, Baldwin and Sedgwick. Lieut. Gedney, who acted as Spanish interpreter, was represented in his claim for salvage by Gen. Isham and Mr. Brainard of New London. Captain Green was represented by Governor Ellsworth. Mr. Cleveland, of New London, represented the Spanish owners of the property on board the schooner *Amistad*, and the U.S. District Attorney represented the Spanish minister.

Jurisdiction was important. *The Emancipator* and *The Daily Herald* elaborated on property and jurisdictional issues. The Africans were intercepted in New York City. Under the excuse of distance and the poor condition of Schooner, Lieuts. Meade and Gedney towed the *Amistad* to New London, CT. Anti-slavery advocates believed that another motivation led them to a CT port: “the Africans filed their answer, claiming that having been taken within the jurisdiction of the State of New York, they are free by the laws of that State, which recognize slavery only in cases of fugitives from service, from other states.”<sup>513</sup> The defense arguments presented on jurisdictional matters did not prevail, keeping the trial in Connecticut.

The first issue regarding interpreters occurred when Mr. Baldwin proffered the Deposition of Charles Pratt. This evidentiary document exists as part of the federal archives in Boston. Back on October 4<sup>th</sup> of 1839, Pratt was sworn in and deposed, a day after he successfully conversed with the imprisoned Africans (See Figs. 69 & 70). Written in the third person, Pratt, identified as a “colored African,” signed with a “mark.”

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<sup>512</sup> *The Emancipator*, Jan 16<sup>th</sup>, 1840.

<sup>513</sup> *The Daily Herald*, Wed., January 8<sup>th</sup>, 1840.

He affirmed he “was born in Sierra Leone,” and acquainted with the Mendi language he learned with his father when trading in the “Mendi country.” He further deposed that he spoke the Bandi language spoken by one of the Africans; and that he “truly interpreted” the questions and answers between that African and Josiah W. Gibbs. Pratt was “the captain’s cook on board the British Brig of War Buzzard” where he had worked for approximately four years. During his deposition, he was questioned as to the truthfulness of James Covey’s deposition. Pratt confirmed “that he had heard the deposition of James Covey...that the story of James Covey in his deposition [was] true.” Interpreters used to confirm the veracity of the statements or observations of other interpreters was a tactic commonly practiced in the *Amistad* Case. Unsure of whether or not witnesses would be available to appear at the trial, depositions and affidavits tended to comprise this type of information.

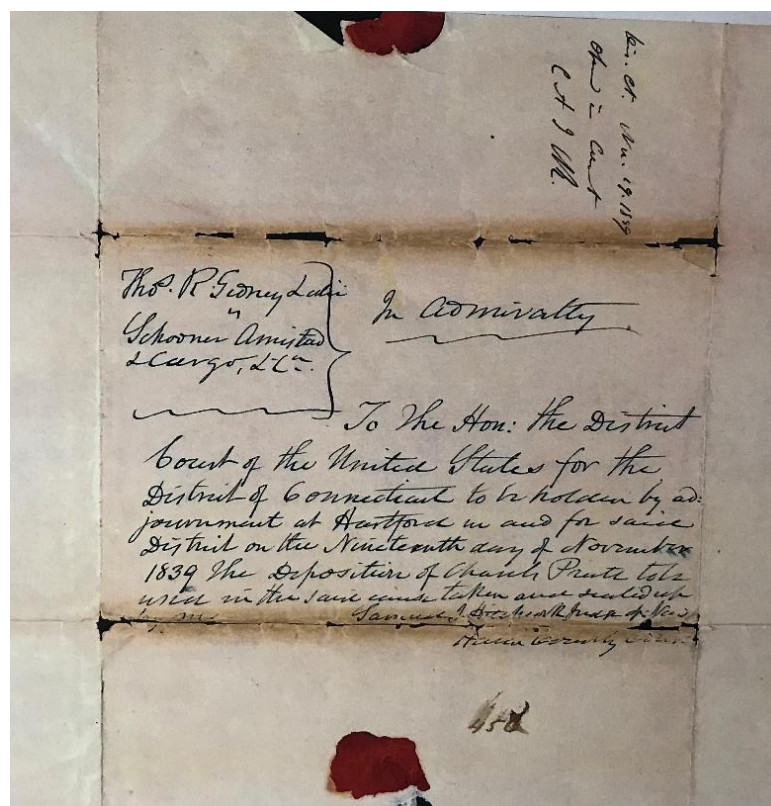


Fig. 69<sup>514</sup>

<sup>514</sup> “Charles Pratt,” National Archives in Boston.



Charles Pratt a colored African of the age of about twenty five years, being duly cautioned and sworn Deposes and says,

That he was born in Sierra Leone, ~~that~~ he is captain's cook on board the British Brig of War Buzzard now lying in New York and recently from Africa, that he is well acquainted with the African coast, and has been on board the Buzzard about four years in all, [That he has heard the Deposition of James Coory this day taken by the judge of the County Court for the New York County] that he is acquainted with the Mandi language, and that the story of James Coory in his deposition is true, [That he knows the Banti language which is spoken by one of the persons called More who is now confined in jail at New York and is an African

Fig. 70<sup>515</sup>

Despite all measures to prove the credibility of these interpreters, Charles Pratt's deposition was inadmissible on the first trial day. A newspaper article expounded: "the deposition was rejected, among other reasons, on the ground that the parties were not duly notified."<sup>516</sup> The exactitude of what "other issues" signified was not explicated by the author. They shared in common that neither deponent wrote their affidavits. Instead, these were redacted by an officer of the court. Pratt and Madden's life experiences, social

<sup>515</sup> "Charles Pratt's Deposition," The Amistad Case Files. At a later date, Judge Judson drew lines indicating the admissible sections in court. This will be discussed on the "Third Day of Trial."

<sup>516</sup> *The Daily Herald*, Jan 8<sup>th</sup>, 1840.

positioning, educational and racial background constituted their differences. Perhaps, these acted against Pratt's deposition.

After the admission of Madden's deposition, the Court called Mr. S. Haley of New London. He testified to José Ruiz's answered questions posed by Mr. Janes about the Africans' language and their place of origin. According to the summary provided by Tappan, printed in *The Emancipator*, Haley heard Ruiz describe the following: "only one of the slaves could speak English, and he only knew a few words, which he must have learned on the coast of Africa; that, with the exception of Antonio, the Captain's boy, none of them could speak Spanish, as they were just from Africa."<sup>517</sup> This is one of only four direct quotes in the article, citing Mr. Isham interrupting Haley's testimony. When Hayley observed that Ruiz "spoke good English," Isham abruptly added "did you not know that he was educated in Connecticut?"<sup>518</sup> Where, was not offered. But Baldwin quickly replied, "he ought to have known better, if he was educated in Connecticut."<sup>519</sup> Dwight P. Janes' testimony followed to corroborate Haley's recollection of the dialogue between Janes and Ruiz aboard of the U.S. Washington brig. Tappan's summary contained scant narrations about the other side's intervention. Little can be ascertained since so few remnants are left of the actual trial transcripts. Either way, the next witness was James Covey.

Tappan recalls that "James Covey underwent a long and interesting examination."<sup>520</sup> Covey's examination on the first day of trial was the longest, not as interpreter but as a material and expert witness. Some of the information attested by Covey was known since October 1839 (See Fig. 71). Covey's testimony began tracing his story.

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<sup>517</sup> Ibid.

<sup>518</sup> Ibid.

<sup>519</sup> Ibid.

<sup>520</sup> Ibid.

Born, raised, kidnapped, enslaved and liberated, he returned to Africa where “he went to school, learned to read and write, and speak the English language with considerable facility.”<sup>521</sup> He testified in court confirming the consistency of Africans’ version, their “Mendi names,” and how “they all sailed from Lomboko, in Africa, to Havana.” Able to speak Mendi, Covey acted as interpreter in this case. More than his bilingual abilities, Tappan pointed out a legal resource that prevented Covey from sailing with his brig. It endorsed that more than persuasion kept Covey behind as interpreter. Tappan recalled that “being subpoenaed by the U. States, [he] was left here.”<sup>522</sup> Covey’s experienced at the witness stand was taxing. Tappan described “James underwent a long and severe cross-examination.”<sup>523</sup> (See Fig. 71).

James Covey underwent a long and interesting examination. This young man is a native of Africa, of the Mendi tribe, was one of the crew of the Buzzard, and being subpoenaed by the U. States, was left here by that vessel. He was sold in Africa by a black man to a Spaniard, captured by an English man of war, taken into Sierra Leone, where he went to school, learned to read and write, and speak the English language with considerable facility. He has acted as interpreter here. All the prisoners, but three, are from his country, Mendi, and speak his language. When he first went into the prison here, they all talked to him, and appeared glad to see him, because he spoke the same language. They have told James that they all came from Africa to Havana. They have Mendi names. Their names have meaning. Kale means bore, &c. They speak of the same rivers, &c. that James knew in Africa. They all sailed from Lomboko, in Africa, to Havana. Has talked with them, one by one, and they all say the same thing. James underwent a long and severe cross-examination, and acquitted himself very well

Fig. 71<sup>524</sup>

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<sup>521</sup> Ibid.

<sup>522</sup> Ibid.

<sup>523</sup> Ibid.

<sup>524</sup> Jan 16<sup>th</sup>, 1839, *The Emancipator*.

Ethnic and linguistic issues proved everything in the case against the Spaniards and towards the freedom of the Africans.

Counsel for the non-Africans expressed concern when Josiah W. Gibbs followed Covey at the witness stand. The prosecutors, Isham and Brainard, raised their objections to Gibbs as expert witness, “an eminent linguist,” on behalf of the Africans. *The Daily Herald* recorded the objection by the opposing parties. Gibbs’ testimony, “merely corroborative of that of Covey, who was himself in court, and had not been impeached, and his testimony therefore did not require support from that of the learned Professor.”<sup>525</sup> Counsel for the Africans aimed at reinforcing Covey’s on-the-record declarations: “that James and the Africans [spoke] the same language, the Mendi dialect, &c..”<sup>526</sup> Baldwin “argued with great ingenuity and power” the importance of Gibbs’ expertise in court, because “a person skilled in different languages, could judge from their language itself, whether it was pure or whether it was an admixture of foreign words,—whether these Africans used a native language or a dialect formed by the mingling of the Spanish language with their own.”<sup>527</sup> The controversial matter of whether to allow Gibbs to testify was not settled at the end of that day. The court adjourned for “9 o’clock tomorrow.”

### **January 8<sup>th</sup>, 1840. Second Day of Trial.**

The power of communication of the Africans could be protected by securing James Covey as court interpreter. As the abolitionists set out to challenge the institution of slavery in the *Amistad* Case, defending the right of their witnesses to testify became paramount to their litigation strategy. At the beginning of the second day, neither the judge

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<sup>525</sup> *The Daily Herald*, Jan 9<sup>th</sup>, 1840.

<sup>526</sup> *Ibid.*

<sup>527</sup> *Ibid.*

or opposing counsels was ready to settle the matter of whether or not to allow Gibbs to testify on ethnic and linguistic issues. Eight hours of arguments and the judge's indecision amounted to further trial delays. After all, according to Tappan's narrative, "the Judge ruled that the testimony was admissible."<sup>528</sup>

To convince the judge, Baldwin argued how Gibbs gathered essential information on the spoken languages and the geographical knowledge of rivers of the Africans. Applying this information Gibbs recruited James Covey, a crewmember, not walking up and down the docks of New York City, but "on board the Buzzard."<sup>529</sup> Gibbs testified how Covey, "spoke the same dialect, mentioned the same rivers...and that the maps corroborated his statements; also, that Covey stated that he was a Mendi, and on coming to New Haven, and seeing his countrymen in jail, he found nearly all of them were from the same district of county."<sup>530</sup> The linguist professor reiterated Dr. Madden's avowal on the meaning of the terms *Ladino* and *Bozales*. Terms that directly pointed "to the power of communicating."<sup>531</sup>

The Africans' "power of communication" resided in their ability to speak Mendi in the courtroom, their native language. Spanish, an unknown language to them, lacked empowering possibilities. Securing their power required proving that *español* was not their vernacular. Through Mendi they could testify their truth and exert their power. Gibbs credited the interpreters for his linguistic knowledge. Tappan chronicled how the "witness had spent much time in investigating the language of these captured Africans...he acquired the knowledge of the Mendi language from Covey and Pratt." The power of the

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<sup>528</sup> Jan 16<sup>th</sup>, 1840, *The Emancipator*.

<sup>529</sup> Ibid.

<sup>530</sup> Ibid.

<sup>531</sup> Ibid.

interpreters generated history and veracity to also empower other witnesses in court, such as Gibbs and Madden. The accumulation of the testimonies proved compelling, which lead the Judge to assert “that he was fully convinced that the men were recently from Africa, and it would be idle to deny it.” Once again, Covey’s linguistic expertise surpassed his ability to interpret for the Africans.

His first intervention in court was both as expert and material witness, not as an interpreter. He was one of the first witnesses from the defense to testify, as evidenced during the first trial day, on his knowledge about the Mendi language and region. From the information that he provided in off-the-record meetings, Covey assisted in preparing other witnesses, like Gibbs, to support the plea in favor of the Africans, around the diametrically opposed reality of *Ladinos*. After winning this small battle thanks to the Covey, “Jingua, Grabbeau and Fuliwa” testified on the witness stand, assisted by the court interpreter.

Jingua, aka Sengbe, Cinqué, was called first to testify in court, “as a witness,” Covey “as an interpreter.” According to the news article, “Covey was sworn to interpret the oath to Jingua, and then to interpret correctly his testimony.” (See Fig. 72). Swearing in the interpreter and being asked to interpret accurately the witness’ testimony are normative for court interpreting protocol. Interrogating the interpreter and the witness as “to their knowledge of a Supreme Being, the obligations of an oath, and the penalty for false swearing” constitute a rarity. This unusual practice in this Case signaled the ethnic and religious differences between the two groups: Africans and non-Africans. Taking an oath as a prelude to one’s testimony responded to a judicial culture. It posed more questions and problems than solutions around religious preponderance and racist attitudes. This line of interrogation called into question the Africans’ theological understandings.

The Court repeated this norm with all African witnesses: other Africans were “examined on oath similarly to the preceding.”

York. Prof Gibbs' testimony was, therefore, cut short after he had stated that the great body of these Africans speak one language—several of them speaking several dialects. They speak the language of the books, and appear to understand the country as described in geographies. JINGUA was called as a witness. Covey also as an interpreter. Both were interrogated as to their knowledge of a Supreme Being, the obligations of an oath, and the penalty for false swearing. Covey said, he believed in a God, that the oath requires him to speak the truth, and that if he does not speak the truth he will be punished. JINGUA also satisfied the Judge. Covey was sworn to interpret the oath to JINGUA, and then to interpret correctly his testimony. JINGUA was examined at great length. He gave his testimony in an unembarrassed manner, in a clear voice, with considerable natural gesticulation, while the most breathless attention was paid to what he said by the large audience. Gov. Ellsworth conducted the direct examination chiefly. JINGUA swore that at the time of their capture by Lieut Gedney, a large number of them were on shore on Long Island. He was on shore, and “plenty of them—can't count them.” He gave the names of ten, and said he could not recollect the names of the others. They gave up to Capt Green two guns, one knife and one hat. There were four other white men there with Capt G. JINGUA told Capt. G. he might take the vessel and keep it, if he would send them to Sierra Leone. His conversation with Capt G. was carried on by the aid of Burnah, who could speak a little English. They had taken

Fig. 72<sup>532</sup>

Sengbe was interrogated and cross-examined “at great length.” Counsel for the Africans previously proved to the Court that they came from Africa. Therefore, testimony from them was proffered to “ascertain which of them were on shore when taken in the District of New York.” Still, the Court had not agreed upon jurisdictional matters. Some argued that seizure did not occur at sea but on land, justifying the application of the “high seas” definition to the capture and preference to transport them to Connecticut instead of New York. It was in Montauk that the Africans tried to convince Meade and Gedney about taking them back home to Sierra Leone. Instead they ended up in Connecticut jails.

Testimonies of the three Africans in court was not confined to their stories from August 26<sup>th</sup> when the Amistad vessel, Africans and Spaniards were seized by the USA

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<sup>532</sup> Jan 16<sup>th</sup>, 1839, *The Emancipator*.

Navy. Their narration included descriptions of their trip from Africa when they were enslaved. Fuliwa, who was “examined on oath similarly to the preceding” testified that “the little girls and boy came from Africa. Described how closely they were arranged on board, and how his wrists were chained,” and that after three months they anchored in Havana. Grabbeau also seconded many of the chain of events, adding that the three of them met in Lomboko. From there, along with 400 to 500 people, mostly women and girls, they were crammed into the hold of a ship. Tappan neglected to mention that Grabbeau took an oath, if it ever happened. Instead, Grabbeau indicated that he “was examined by the interpreter, after suitable inquiries by the court.” What did it mean that after ‘inquiries by the court’ Grabbeau ‘was examined by the interpreter’? Did the interpreter initiate interrogating the witness? Was the term ‘examination’ a synonym to having the oath interpreted? Unanswered questions about what happened inside the courtroom, left unclear by Tappan’s reporting. Following Grabbeau’s long interrogation, the court took another recess.

Covey and Sengbe were called to the witness stand. At first glance, counsel for the non-Africans tried to implicate Jingua as a slave owner in Africa. This legal dispute consumed a considerable amount of time in court, a third of the article. Opposing counsels intended to discredit the witness, a common litigation tactic, and one often achieved by finding contradictions and inconsistencies in testimonies. Marshall Wilcox, clerk of the U.S. District Court, declared on this matter. Back in August, Wilcox enforced the arrest warrant for the Africans with Spanish names, not corresponding to the birth-given Mendi names of the defendants. In court, he recalled the dialogue between him and Sengbe, facilitated by the interpretation of Covey, shortly after Covey and Pratt arrived in New Haven. According to Wilcox, Sengbe’s explanation of how he was forced out of Africa alluded to owing a man “two pounds, (holding up his fingers,) and to pay him he had taken



two negroes and sold them; that one of them ran away and the man called upon him for one pound...and being unable to do so, he was seized and sold to pay the debt.”

Covey was asked to testify on his recollection of this interpretation activity between these two interlocutors. Covey assured Wilcox that he had not interpreted this information from Sengbe. Nonetheless, his and not Sengbe’s credibility as a witness and interpreter was at stake.

### **January 9<sup>th</sup>, 1840. Third Day of Trial.**

The previous day, the court adjourned in the midst of a heated argument heading towards the impeachment of the court interpreter for the Africans. Opposing counsel attempted to controvert Covey’s character as a witness, by proving “that James Covey had told a story different from that he had testified in court, under oath.”<sup>533</sup> Mr. Baldwin in trying to save the credibility of the interpreter attributed the possible confusion to Covey’s deficient bilingualism, because “he is a stranger, speaks the English language imperfectly, and yet far better than he could when he first came here, and to show that the Marshall is provably mistaken, as there was great excitement among the Africans, and the visitors in jail, at the time, owing to Covey, a countryman of the claimants, having just arrived and had an interview with them.” In contrast, when Covey was found the newspaper informed its readers that “the means of communication are now as good as can be desired, which has not been the case heretofore.”<sup>534</sup> After a long debate, the judge inquired about Covey’s awareness of his contradictory statements. Mr. Baldwin responded in the negative, “he did not. “If he had,” the Judge remarked, “the matter, in my mind, would be different.”” Covey’s repeated testimony negation of uttering those words, or Mr. Baldwin

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<sup>533</sup> Ibid.

<sup>534</sup> Oct 10<sup>th</sup>, 1839, *The Emancipator*.

argumentation, was not enough. To prove the matter, Prof. Gibbs was called to the witness stand again. His testimony “stated that Covey when first interpreting the statement of Jingua, said nothing about Jingua’s having traded in slaves.” This controversy also evoked the precarious situations encountered by interpreters in contexts of high conflict. Questions were not raised about the original statements, on Sengbe’s spoken words, but about the interpretation. The pro-slavery side, a composite of USA navy officers and Spaniards, would go to any lengths to win their case. The interpreter *siempre pagando por los platos rotos*.<sup>535</sup> And the interpreter, occupying a pivotal role in voicing the Mendi stories, became the logical target to discredit the oral evidence submitted in court. If it was demonstrated that the interpreter had lied under oath, he could be impeached. As a result, all Africans’ testimonies would have been invalidated and unheard.

Col. Pendelton, the jailor, was the last witness to take the stand. He was a white man, who after being sworn in, testified on his memory of Sengbe’s story. He declared that Sengbe told him that he “owed a debt, paid two Africans for it [but] one of the Africans got away. Could not pay for him, and he was therefore seized himself.”<sup>536</sup> After the upheaval of the second and third trial days, Covey’s name and role faded from the court proceedings. Pendleton’s testimony had done the trick. The litigation plan had worked. Tappan’s narration shifted to another interpreting issue in this *Amistad* saga. Despite all pro-slavery litigation maneuvers, Covey was not impeached. His testimony, as a material and expert witness, and that of all Africans was admitted into evidence.

By the fourth and fifth day of the trial, Covey is no longer mentioned. Did Covey remain to interpret the rest of the proceedings to the Africans? Did he stay in open court

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<sup>535</sup> Translation: taking the blame.

<sup>536</sup> Oct 10<sup>th</sup>, 1839, *The Emancipator*.

attentive to their development as the Talladega mural<sup>537</sup> depicts? (See Fig. on Cover) Hale Woodruff for the hundred-year anniversary of the *Amistad* story, painted three murals. One of the three portrayed the *Amistad* Trial. The man sitting holding a hat in his hands—and wearing a red shirt—in front of the man pointing towards Sengbe, depicts the interpreter in the case, watching, observing, not interpreting.

Were the Africans even present for the remaining proceedings? Was Covey asked to interpret “chuchotage,” whispering to their ears, during the proceedings? Were the Africans remanded to the New Haven jail while the trial continued? Did Covey take a break after the rigorous examination? In some court houses, it can be customary to have interpreters only mediate linguistically to witnesses in the stand. These remain unanswered questions from the research. Without official records neither version is sustainable. However, even without Covey on the record, interpreting and translation issues continue to be relevant in the course of this case. The *Licencias* were admitted as evidence, as well as Charles Pratt’s deposition. Next, Antonio, the cabin boy, was taking the witness stand, and in need of an interpreter.

*Antoine*, whose name printed in *The Emancipator* took a French morphology, was called to the stand. Lieut. Meade served as his interpreter once during the September *Amistad* judicial hearing. Thereafter, one of the lawyers made an application to the court for an interpreter for Antonio. A financial conflict of interest impeded Meade from acting as interpreter. The interrogation commenced without an identified interpreter. At the

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<sup>537</sup> In 1938, Hale Aspacio Woodruff, after studying with Mexican Muralist Diego Rivera in Mexico City, was commissioned to produce a three-part panel known as The *Amistad* Murals. In commemoration of the centennial of The *Amistad* Case. This African-American artist produced three panels: The Revolt, The Court Scene—depicted here—, and Back to Africa. These 20-foot-long murals, by some considered his masterpiece was lodged in the Talladega College, founded as part of the American Missionary Association ministerial project. In 2013, they travelled to New York University where Woodruff taught for and retired from. Further academic articles will explore the representation of interpreting and translation issue, the Arts and The *Amistad* Case.

witness stand, counsel examined Antonio on his version of the events since the revolt on board the *Amistad* up to when “the witness was in the schooner’s boat when the Africans were seized on Long Island.”<sup>538</sup> He stated how the Spanish-speaking cook communicated to the Africans that “they were going to Príncipe to kill them, and eat them,” although “in what manner” it was said, lacked specifics. Antonio expressed surprise at the cook’s insinuation, since “the Africans were not doing anything.” During his testimony, he verified how all of the slaves recently came from Africa, in a ship called “*La Focora*.” The *Amistad* was not new to enslaving activities. The cabin boy testified to the unfriendly business of transporting slaves, including Ruiz, who “had taken slaves in another vessel.”

Antonio, “waiter to the captain of the *Amistad*,” appeared in favor of the Spaniards, although his testimony injured their allegations. Mr. Staples cross-examined Antonio after the mid-day recess. Antonio “answered in English, which he understood very imperfectly.” Next, he complained about his ability to understand the interpreter, because the interpreter “did not speak Spanish.” Why was the complaint voiced after hours of interpreting? Was Antonio responding to political pressure? Didn’t the Judge or others intervene to resolve an apparent break in communication before Antonio raised concerns? Did Tappan misinform in his article about the exact time of Antonio’s interjection? These questions cannot be answered given that Tappan recorded an extensive summarized narration comprised of Antonio’s testimony and cross examination.

Tappan continued explaining that Antonio’s first sworn interpreter was “Mr. Ribeiro, a native of Brazil, and who [spoke] the Spanish language imperfectly.” Antonio’s testimony differed from his own in September when Lieut. Meade served as interpreter. Now at the January 1840 trial, Antonio “swore that the Africans were put on board the

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<sup>538</sup> Ibid.

Amistad in the evening,” contrary to the “four o’clock in the afternoon” of his first testimony. Were the time discrepancies a conscious mistake interpreted by Meade? What could time contribute to the overarching story? These are questions that also remain unanswered. The importance of confirming that the Africans boarded at 4:00pm or 8:00pm did not change the course of the trial. Neither did it serve as a tool to discredit Antonio as a witness.

*Afternoon—Gross-Examination Continued.*

Occasionally, during the forenoon examination, Antoine answered in English, which he understood very imperfectly, and complained that the Portuguese gentleman, who had acted as interpreter, did not speak Spanish so that he could well understand him. Mr. Ribeiro not being present, Mr. Desa, another Portuguese gentleman, was sworn as interpreter, but soon the witness made some complaints, when the counsel on both sides requested Mr. Sedgwick to interrogate witness in the Spanish language. He consented to do so, but not as a sworn interpreter, which he considered inconsistent with his relation to the case as counsel for the claimants. The examination was now conducted without difficulty. Jingua whipt Burnah for stealing water. Witness

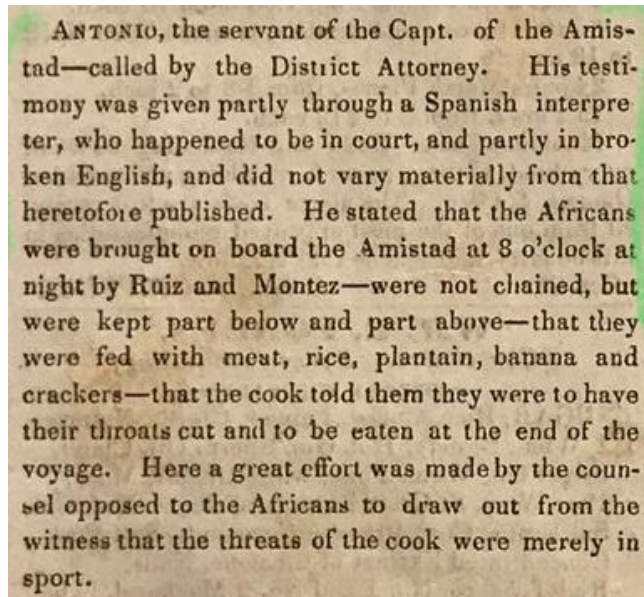
Fig. 73<sup>539</sup>

The afternoon session began without the assistance of a Spanish or Portuguese interpreter, since Mr. Ribeiro was not present. Was he only hired for the morning? Counsel benefitting from Antonio’s testimony neglected to secure a linguistic mediator for his material witness. Who then acted as interpreter during the morning, if anyone? How was Antonio’s relation of events placed on the record? Even though counsel solicited the court to produce a Spanish interpreter months ago, Antonio had none on the day of the trial. When it came to hiring interpreters, the nineteenth-century courts lacked the appropriate

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<sup>539</sup> *The Emancipator*, Jan 16<sup>th</sup> 1840.

protocol. The application was made for a Spanish, not a Portuguese interpreter. Although linguistically close to each other, they were not interchangeable.



ANTONIO, the servant of the Capt. of the Amistad—called by the District Attorney. His testimony was given partly through a Spanish interpreter, who happened to be in court, and partly in broken English, and did not vary materially from that heretofore published. He stated that the Africans were brought on board the Amistad at 8 o'clock at night by Ruiz and Montez—were not chained, but were kept part below and part above—that they were fed with meat, rice, plantain, banana and crackers—that the cook told them they were to have their throats cut and to be eaten at the end of the voyage. Here a great effort was made by the counsel opposed to the Africans to draw out from the witness that the threats of the cook were merely in sport.

Fig. 74<sup>540</sup>

Tappan recorded that Antonio “answered in English, which he understood very imperfectly, and complained that the Portuguese gentleman, who had acted as interpreter, did not speak Spanish so that he could well understand him.” (See Fig. 75). What impact this had on previous testimony was not reported in Tappan’s narration. Did he complain earlier and this was the first time it was noted? Did the abolitionists converse with Antonio during the recess and solicit a change of interpreter? None of the queries can be answered with certainty. On January 9<sup>th</sup>, 1840 *The Daily Herald* reported on this trial day that Antonio’s testimony “was given partly through a Spanish interpreter, who happened to be in court, and partly in broken English, and did not vary materially from that heretofore published.”<sup>541</sup> (See Fig. 74). Published news about this trial day confirmed the court made no provision to supply a suitable interpreter for the witness, despite the prior September

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<sup>540</sup> Jan 9<sup>th</sup>, 1840, *The Daily Herald*.

<sup>541</sup> *Ibid*.

application. The fact that someone “who happened to be in court” served as interpreter on an important trial demonstrates the lack of access given to non-English speakers by the court. If the court followed present legal mandates, postponement of the trial would have been required until securing an interpreter. The Abolitionists understood the inadequate response of the court and took it upon themselves to locate interpreters for their clients, the only way to ensure the Africans’ day in court. Back in November when the interpreter fell ill, they procured the postponement of the trial, which angered anti-abolitionists.

Again, Antonio protested the services of the second interpreter, after the interpreter was sworn in: “Mr. Desa, another Portuguese gentleman, was sworn as interpreter, but soon the witness made some complaints.” Was Mr. Desa the assigned interpreter for the afternoon session, or was he another bystander acting as *amicus curiae* to substitute for the previous interpreter? Why did the court insist on another Portuguese interpreter when Spanish was commonly spoken in the area? Without official or unofficial Spanish interpreters, the proceedings were halted. Tappan narrated that counsel on both sides “requested Mr. Sedgwick to interrogate witness in the Spanish language.” (See Fig. 75). According to the sources consulted, this represented the only time both sides made a stipulation concerning the same issue. Not only did they all agree for Sedgwick—attorney-of-record for the Africans—to interpret for Antonio, but they also accepted his refusal to be sworn in as interpreter. Tappan reported that “he consented to do so, but not as a sworn interpreter, which he considered inconsistent with his relation to the case as counsel to the claimants.” In contrast to the other African interpreters who took the oath and who were interrogated on the nature of the oath and its religious elements, Sedgwick was exempt from even taking a simple oath. Up to this point the oath was required for all interpreters, an indication that having interpreters was indeed common. Privilege sided with Sedgwick as a learned professional of European descent, exempting him from taking a required oath.

*Afternoon—Cross-Examination Continued.*

Occasionally, during the forenoon examination, Antoine answered in English, which he understood very imperfectly, and complained that the Portuguese gentleman, who had acted as interpreter, did not speak Spanish so that he could well understand him. Mr. Ribeiro not being present, Mr. Desa, another Portuguese gentleman, was sworn as interpreter, but soon the witness made some complaints, when the counsel on both sides requested Mr. Sedgwick to interrogate witness in the Spanish language. He consented to do so, but not as a sworn interpreter, which he considered inconsistent with his relation to the case as counsel for the claimants. The examination was now conducted without difficulty. Jingua whipt Burnah for stealing water. Witness

Fig. 75<sup>542</sup>

A creative solution to an impending problem could not come without inherent difficulties. The language of the court was English. If Mr. Sedgwick, a trained lawyer, interrogated Antonio in Spanish, who served as a linguistic mediator? Or did Staples continue to interrogate the witness while Sedgwick interpreted? Either scenario is plausible. Tappan noted that now “the examination was conducted without difficulty.” Antonio continued recounting the *Amistad* journey from Cuba, the ensuing revolt, how Sengbe tied him and how Sengbe ran a tight ship in charge of the voyage. From Meade to Sedgwick, the pendulum swayed to political opposites. Anti-slavery interests prevailed in the choice of the final interpreter—Sedgwick—for Antonio, even curtailing standard oath procedures.

In the *Amistad* Case, Antonio was the last witness to testify, although not the end for ITS issues—for two remained, including submission of documents. Opposing counsel submitted as evidence “the schooner’s papers relating to this case with a translation of them.”<sup>543</sup> (See Fig. 24). During the September proceeding, the litigation team for the Africans submitted these in evidence.<sup>544</sup> At the trial, “the U.S. Attorney” submitted them as well, and Tappan proceeded to list them, as seen in Fig. 25. Tappan felt confident that

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<sup>542</sup> Jan 16<sup>th</sup>, 1839, *The Emancipator*.

<sup>543</sup> *Ibid*.

<sup>544</sup> The Chapter on Translation Issues expounded on the analysis of these evidentiary documents.



*Licencias* submission would prove detrimental to the opposing party. Covey, Pratt, Madden, and Gibbs testified convincingly on the fraudulent nature of these documents. Primarily, the *Amistad* Africans landed in Cuba recently and were not *Ladinos*. The controversial term, “*Licencia*,” was translated in three different ways: license, passport, and permit, as discussed in some detail in a previous chapter. Documents granting passage to the *Amistad* Africans emerged translated as “permits” while those addressed to the Spaniards were translated as “passport” or “licenses.” Tappan highlights how “permits” for the African men indicated “forty-nine *Ladinos*,” one of the main contentions of counsel of the defendants. No direct or indirect mention of the translator is included in this narration, or an accompanying certification from this professional. Both originals and official translation are archived in the National Federal Archives in Boston. These documents would be in detriment of the prosecution, Spaniards and other pro-slavery libellants, simultaneously, would aid the cause of *Amistad* Africans.

Charles Pratt’s deposition, rejected on the first day of trial, was admitted in court with conditions. Baldwin received answers to his inquiries on the rejecting reasons: lack of notification to the New London opposing party of Pratt’s deposition. The matter was settled. Baldwin convinced the court that “Pratt’s deposition be read as against Ruiz and Montez.” The prosecution agreed as long as it did not incriminate the USA. The judge ruled in favor of admitting into evidence the deposition except for the sections referencing Covey, particularly, “of his interpreting the answer to Prof. Gibb’s question, &c.” At this point “Mr. Baldwin read it and put it into the Judge’s hands to mark the passages allowed to be used in evidence.” (See Fig. 70). The bracketed areas were sectioned off by Judge Thompson on Pratt’s official deposition. The judge rejected declarations considered as “hearsay,” *testimonio de tercera*. These hearsay statements involved Pratt’s observations on James Covey interpretation between the Africans and Prof. Gibbs. Other sectioned-off

areas involved the Africans' recollection of seeing Pedro Blanco, the Spanish enslaver in Lomboko, Africa, who traveled back and forth from Cuba from his inlet-home by the *Gallina* River. More than hearsay, Pratt's declarations supported the anti-slavery claims of the abolitionists on behalf of their clients. The original deposition is conserved in the National Archives of Boston. Tappan must have had a copy, since the published article contained sections not admitted into evidence, relating the knowledge of Africans Pedro Blanco and Lomboko. The remainder of the deposition was read into the record.

Tappan concluded his narration of the third day taking note that "the court room has been crowded...many of the distinguished citizens attending, officers of college, &c. several of the Africans are in court when it is in session." The *Amistad* Case attracted community leaders, people of means, and the anonymous who were moved by the human issues at stake. Regarding the possible outcome of the trial, opinions expressed "that the cause stands well for the Africans." The fourth and fifth day of trial involved mostly closing arguments from all parties, the prosecution, the libellants, and the defense. Two attorneys per side argued their case, leaving for last counsel for the *Amistad* Africans—Baldwin or Sedgwick and Staples—since "no precedent exist [ed] for such a novel case." After five-trial days, Tuesday to Saturday, the verdict containing eight fundamental points was pronounced on Monday, January 13<sup>th</sup> 1840, of *The Emancipator*.

January 16, 1840.

**Amistad Trial--Termination.**

On Monday the judge read an elaborate opinion, in which he decided.

1. That the District Court for Connecticut has jurisdiction, the schooner having been taken possession of, in a legal sense, on the "high seas."

2. That the libel of Thomas R. Gedney and others is properly filed in the District Court of Connecticut

3. That the seizers are entitled to salvage, and an appraisement will be ordered, and one-third of that amount and cost will be decreed just and reasonable.

4. That Green and Fordham, of Sag Harbor, who claims to have taken original possession of vessel and cargo, cannot sustain their claim, and therefore that their libels be dismissed.

5. That Ruiz and Montez, through the Spanish minister, have established no title to the Africans, as they were undoubtedly Bozal negroes, or negroes recently imported from Africa, in violation of the laws of Spain.

6. That the demand of restitution, to have the question tried in Cuba, made by the Spanish minister, cannot be complied with, as by their own laws, it is certain they cannot enslave these Africans, and therefore cannot properly demand them for trial.

7. That Antoine, being a creole, and legally a slave, and expressing a strong wish to be returned to Havana, restoration will be decreed under the Treaty of 1795

8. That these Africans be delivered to the President of the United States, under the 2d Section of the act of March 3d, 1819, and the 1st Section of the law of 1818, still in force, to be transported to Africa, there to be delivered to the agents appointed to receive and conduct them home.

The court stands adjourned to meet at Hartford on the 23d inst, and meantime, the decree will not be entered, to give opportunity to the parties to appeal if they see fit.

I learn that the United States man-of-war Grampus has

Fig. 76<sup>545</sup>

On point five, the judge decided that Ruiz and Montes, who did not appear to testify in court, had not been able to establish their "title to the Africans." In his verdict, the judge alluded to the fact that the Africans were "*Bozales*" and not "*Ladinos*." The litigation strategy employing witnesses like Dr. R. R. Madden, and Prof. Josiah W. Gibbs proved helpful in this latter point. Madden fiercely contradicted the information contained in the forged *Licencias* by contrasting both concepts. Having Mende interpreters, in this

<sup>545</sup> Jan 16<sup>th</sup>, 1840, *The Emancipator*.

case, supported the idea the Africans knew no language other than African languages. Their depositions, particularly from John Ferry, James Covey, and Charles Pratt, conveyed the truth behind the illegal transatlantic human trade, and asserted their birth origin and native language. James Covey's grueling cross examination on the witness stand confirmed the Africans' testimony, and those of the experts. Finally, point eight ordered that "the Africans be delivered to the President of the USA...to be transported to Africa."<sup>546</sup>

The Abolitionists had won the case, the Africans their freedom. Antonio was deemed to be a "legal slave" and could return to Havana in response to his wishes. It was Covey's turn to interpret the news to the Africans who were in the jail. The Journal of Commerce published an article, republished in *The Emancipator*, describing the heartfelt response from Sengbe when he heard the interpreted verdict, Rev. H. G. Ludlow reported: "our interpreter communicated the decision to him. He instantly prostrated himself at my feet at full length, clapping his hands for gladness of heart."<sup>547</sup>

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<sup>546</sup> Ibid.

<sup>547</sup> Ibid.

## Conclusion

Translation and interpreting issues in the *Amistad* mattered. These issues mediated through the story of the *Amistad*: the abolitionists won the case; the Africans were freed and then returned to Africa. It is plausible that an interpreter was not necessary to tell this story. Witness testimonies from Ferry, Madden, Bacon, Gibbs, and Janes, perhaps, sufficed to verify the story of the ethnic origins of the *Amistad* Africans. Sworn testimonies by Hansen, Ferry, and Pratt may also have sufficed. But in reality, they were not enough. The abolitionists insisted on applying the legal recourse of court interpreting. Providing an interpreter for their clients to tell their story symbolized an innovative legal strategy towards a societal transformation: to abolish slavery. Nineteenth-century courts lacked the legislative mandates and court procedures to oblige court officers to provide an interpreter, in comparison to courts in Spanish colonies. The USA judicial systems were (and are) inclined to discriminate linguistically against non-English defendants and claimants in both the nineteenth and twenty-first centuries.<sup>548</sup> Stories of (linguistic) racism and slavery prevail(ed) in this judicial system. This represented real challenges to abolitionists and Africans. Interpreting and translation matters in the ways the Africans of the *Amistad* told their own story. They were employed to bring justice to the *Amistad* Africans while attempting to dismantle the institution of slavery. Translation and interpreting issues undergirded the *Amistad* legal story.

Although one primary interpreter, Covey, entered in the main storyline of the *Amistad*, a total of eleven interpreters intervened in the *Amistad* Case. Six assisted the Africans in telling part of their enslaving story, except one, Antonio. According to the

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<sup>548</sup> As recently as 2012, a Guatemalan mom in Missouri Courts fought to keep the paternity rights of her son. Although she appeared in court with her lawyer, no Spanish-English court interpreter was provided by the court or by her counsel. Brian Ross and Angels M. Hill, "Tug-of-Love: Immigrant Mom Loses Effort to Regain Son Given to US Parents." <https://abcnews.go.com/Blotter/immigrant-mom-loses-effort-regain-son-us-parents/story?id=16803067>

story narration, Antonio *el grumete*, the cabin boy of Capt. Ferrer of the *Amistad*, survived the rebellion thanks to his interpreting skills between the Spaniards and the Africans. Sources analyzed expose that his linguistic skills were limited to interpreting gestures, body movements, and perhaps a few words in an African language known to him, rather than interpreting actually linguistic dialogues. Brought to Cuba as a young boy, his linguistic competencies were exclusively in Spanish, not in African languages. His mediating role saved his life. In contexts of conflicts, this saving grace has been uncommon. The *Amistad* Africans exemplified the difference after a brutal journey across the Atlantic.

Five interpreters assisted Antonio: three in Spanish—Lieut. Meade, Hyde and Sedgwick, and two in Portuguese—Mr. Ribeiro, and Mr. Desa. Soon after the September 19<sup>th</sup> trial, the Lieut. Meade, who had served as Spanish interpreter since the seizure of the *Amistad*, ceased interpreting for Antonio. All parties seemed to agree on Meade's conflict of interest. During the Grand Jury proceedings, in September 1839, this body made an application to the court for a Spanish interpreter for Antonio. It is not clear whether the application was made for their proceedings or for all proceedings related to this case. An affirmative response in subsequent newspapers did not report a name in connection to this legal request. The fact that, in the January 1840 trial, the first two interpreters to assist Antonio with his story were Portuguese demonstrated the unwillingness of the court to provide linguistic access to a witness. Various reasons contributed to this decision. Antonio's testimony contradicted the Spaniards' versions of the story. Antonio declared in open court that the Africans had recently arrived from Africa against the signed 1817 treaty, and *La Amistad* frequently engaged in slave trading activities. This testimony inculpated the Spaniards, setting up a domino effect on the salvage claims of Meade and Gedney, and hindering the USA prosecutor collaboration with the pro-slavery collusion

between the USA and the Spanish crown. A court interpreter proved inconvenient to their strategy, especially when testimony expected to complicate the possibility of winning the case. They tried hampering Antonio's linguistic rights by not securing an interpreter who could amplify his version of the story in court. When in the January 1840 Antonio complained that he could not understand the Portuguese interpreters, counsel for the Africans Sedgewick volunteered. A timely *amicus curae* using his legal and white privileges, he served as interpreter refusing to take the oath, stating in the record that he could not be impartial. It was a legal-linguistic emergency that highlighted the importance of subjective elements in the *Amistad* trial.

Not long after the Africans landed, the abolitionists realized that Antonio could not be trusted as an interpreter. A slave-child himself, he responded to the Spaniards. Trust and anti-slavery inclination led the search for the ideal interpreter by abolitionists. The perseverance and diligence of the Africans' defense team succeeded in finding trustworthy interpreters: two Sign Language interpreters, Day and Gallaudet, and three oral languages, Ferry, Pratt, and Covey. Fearing not finding someone like Covey at the end, abolitionist-legal team worked arduously to piece the legal story together with the linguistic sources available. All of them shared a commitment to liberation. Day and Gallaudet served the marginalized Sign Language community in the nineteenth century. It was not a first-hand experience for them, but they knew about the discrimination and limitations experienced by this community. As abolitionists themselves, their beliefs aligned with the abolition of slavery. Their signing skills could be trusted to unveil the story.

Aside from their linguistic competencies to aid as interpreters in the *Amistad* trial, Ferry, Pratt, and Covey's personal stories of kidnapping, enslavement, and liberation qualified them to interpret for the Africans. They offered more than ethnic and linguistic competencies. They added trustworthy layers for the Africans and abolitionists, ethnic

competency, the basis for effective communication in this case. Ferry had been enslaved at a young age, and was freed by Bolívar. Covey was rescued by an English vessel of the Joint Commission, then taken back to Africa into an evangelizing missionary school where he learned English. After five years, he was “transferred” from the school to a ship that patrolled the Atlantic in search of enslaving ships. Ferry was versed in Kissi, a language spoken by a few Africans. With his interpreting assistance, Gibbs gathered detailed information on the languages, ethnicity, and geographical data on each of the captive Africans to build the case that the Africans spoke native African languages and not Spanish. Ferry also served as interpreter in the September 1839 trial. The abolitionists continued the search to find someone who could interpret for the rest of the Africans, but mostly for the leader of the revolt, Sengbe Pieh. His personality and leadership inspired respect and credibility in the courtroom, characteristics that could sway credibility in favor of the Africans’ case.

In October of 1839, Prof. Gibbs, who learned to count in Mendi, found Covey aboard the brig *Buzzard*. A fortuitous event, a prayer answered, Covey traveled to New Haven to meet the Africans in the hopes that a linguistic match might result. The long search culminated with this one final interpreter, James K. Covey, one trusted to tell the real story told by the *Amistad* Africans in off and on the record proceedings. Not knowing the likelihood of securing interpreters for on the record proceedings, the abolitionists’ legal strategy included retaining their sworn affidavits in case they could not testify in court from interpreting candidates and interpreters. Their adversaries, i.e. the *Amistad* Spaniards, the Spanish Crown, the prosecutor and pro-slavery sentiments in USA society and government, recognized the agency and power of the Africans in telling their story in court. They invested in aggressive strategies to prevent Covey from interpreting



in court. Out of five trial days, three involved excessively long hours of interpretation and translation.

The first day of trial opposing parties began with motions objecting the admissibility of evidence. Only three of the thirty-four Africans testified in court: Grabbeau, Fuliwa and Sengbe, in that order. The deposition of Charles Pratt—who was not present in court—was not admitted under arguments of “lack of notification”<sup>549</sup> and hearsay. When opposing parties tried to discredit him and impeach Covey on off-the-record dialogue between Wilcox and Jingua. According to opposing parties, Jingua shared that he had “owned” slaves in Africa. Covey, who supposedly interpreted this information, was examined on this recollection about this dialogue. After undergoing “a long and interesting examination,” he was admitted as expert witness and interpreter. After a long debate, Covey was doubly blamed. Baldwin argued that due to Covey’s unpolished English skills at his arrival, he misunderstood Sengbe during the interpretation event. He was blamed for his lack of linguistic ability and interpreting skill. Opposing parties attempted to silence the voice of the interpreter, which would silence the voice of the main Mendi leader. They recognized the power of communication facilitated by the power of interpreting in order to tell a story. Baldwin, as attorney-of-record, conjured an innovative strategy to save the court interpreter, even if it meant discrediting him in open court.

Proving or disproving ethnic and linguistic issues prevailed in the *Amistad* Case. The defense called Prof. Gibbs to the stand to confirm Covey’s testimony. Soon the adversarial parties objected. Arguments consumed time in court for over eight hours until the judge decided to admit Gibbs’s testimony. Gibbs reiterated the reliable correlation between the language spoken by the Africans and that of the Mendi interpreter. Gibbs’ interactions with the Africans through Pratt and Covey confirmed Madden’s explanations

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<sup>549</sup> The journal list, a lawyer himself, did not expound on the meaning of this term.

on the relevant meaning of the terms *Ladinos/Ladinas* and *Bozales*. These also confirmed the language spoken by the Africans through Covey and his ethnic and cultural competence.

All conspired to silence their story. Some altered the English translations of the *Licencias*. Many tried to impeach the Mendi-court interpreter at the trial, others provided the wrong language interpreter for a witness, while still others tried defaming him with racist comments in public in Spanish and English newspapers.

Translations issues began with two single terms: *Ladinos* and *Bozales*. From the first hearing aboard the vessel, to official USA translations, two years afterwards, translation matters continued from the beginning to the end of the case. Embedded in the body of the *Licencias*, they formed the crux of the legal issue: Did the Africans arrive in Cuba before or after 1820, when the treaty between Spain and England was signed abolishing the African human trade? But rather than a translational issue, it was a transnational and transatlantic one. Instead, meanings and fake documents were discerned. The abolitionists' translation strategy kept both terms in Spanish with detailed explanations. The Spanish side asseverated the legitimacy of the *Licencias*. The USA executive and legislative branches upheld their position because it simultaneously supported their internal colonies of enslaved Native populations and peoples of African descent. Their final translation tried to "disappear" all doubts raised by the terms and generating arguments. The term "sound black women" and "sound black men" veiled the *licencia* fraud in official and public documents. It was an unsound translation. Girls were turned into women and all Africans disguised from the illicit trade. Abolitionists were appalled. Again, they wrote extensively and organized. Quincy Adams motioned the House of Representatives to create a legislative committee to investigate pro-slavery manipulated English translation and who was responsible. Fraudulent documents,

intentionally misused terms, and manipulated translations with additions supported pro-slavery in dual languages. Interpreters were identified by first and last name. Translators or editors, on the other hand, were anonymous. Unknown translators made possible publications of Spanish letters in English newspaper (*The Emancipator*), and English letters in Spanish newspapers (*Noticioso de Ambos Mundos*). When official transcripts were absent from court records, newspapers and letters archived reconstructed the interpreting and translation components of this story. The journalistic battle, mostly between Tappan and the Spanish-newspaper editor, debated many issues of this story and counterstories. This researcher analyzed letters for ideological visions and emotions expressed, not for traditional translation issues of accuracy. Tappan, acting on behalf of the legal team, corresponded with the USA executive branch to furnish a legitimate translation of Spanish treaties, the last set of translation documents needed to prepare the case to further prove the illegal claim of the *Amistad* Africans.

An Interpreting and Translation Filter (ITF) applied to the Critical Race Theory (CRT) has yielded a new side of the *Amistad* story untold until now. A combined ITF and CRT methodological approach questioned archival-*Amistad* related sources on how interpreting and translation mattered in the making of this colloquial and academic story. An ITF added linguistic concerns to a CRT approach. This filter is preoccupied with ways in which linguistic racism blocks access to the courts. Originally, CRT advocated for air time for stories of color in both educational institutions (law schools in particular) and in the USA judicial system. An ITF explores the biased seams on the historiographical patchwork in the ways in which interpreting and translation activities and actors intervened to create the quilt.

Abolitionists in the *Amistad* Case aimed at transformative justice. They built the *Amistad* movement to organize against two institutions that systematized injustices:

slavery and the judiciary. Both CRT and ITF were a natural match in this nineteenth-century USA story. Abolitionists knew that the Africans did not stand a chance at a fair trial in a racist country pulled towards pro-slavery stances, even in the northern states. Finding an interpreter increased their chances. It demonstrated the willingness of abolitionists to amplify African stories in court towards a greater goal. Faith-based abolitionists strategized around three types of stories: the story of the Africans, the story of hope of an anti-slavery movement, and the prophetic story of the abolition of the institution of slavery. Despite political threats, abolitionists banded together to find ways to find linguistic mediators who could interpret, who could testify, who could subscribe affidavits, and who could help them and to win the case in court.

Translation matters were front and center in the *Amistad* story and counterstories.

This research attempted to tell those stories. It aimed to contribute to the interpreting and translation historiography. It desired to contribute to the story of the *Amistad* by amplifying the interpreting and translation impact in the process of the telling of this important anti-colonial story of freedom and abolition,

But there is more.

James K. Covey's interpreting role continued after the liberation of the *Amistad* Africans on March of 1841. His role was determined in a meeting of the Menden Committee which evolved from the *Amistad* Committee. The committee met in NYC on August 24, 1841, to discuss the return of the liberated Mendiens to Africa. The four-point-resolution, including one dedicated to the future of James Covey. It read: "That a competent person be employed to go immediately to Sierra Leone, accompanied by two of the Mendiens, and James Covey, a native of Mendi, who has acted as interpreter, to make inquiries there, and, if necessary, to visit Mendi" (See Fig. 77).<sup>550</sup> His role was to

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<sup>550</sup> American and Foreign Anti-Slavery Reporter, Aug 24<sup>th</sup>, 1841.

accompany the first group to Sierra Leone, to serve as interpreter for this “competent person.” The group was to determine the safety- of the Africans on their return —a clear message to the readership of this anti-slavery journal. As presented in the chapter on Historical Background, illegal transatlantic trade activities intensified during this period. African coastal activities represented a threat for liberated Africans who could be easily recaptured and re-enslaved. The Committee needed to surmise the state of affairs in Sierra Leone in order to analyze the likelihood of the Mendi mission’s success, and an interpreter was necessary. Who better than a trustworthy one trained and Christianized, from one culture and adapted in another during the last two years: Covey?

from the committee and teacher at Farmington were considered. Also, the lamented removal by death of Sir John Jeremie, the late excellent Governor of Sierra Leone, by which the committee are deprived of the information they expected to receive from him.

1. Resolved, That the necessary steps be taken to send the Africans, late of the *Amistad*, to Mendi, their native country, as soon as we can ascertain the situation of their country, and the feasibility of reaching it.

2. That a competent person be employed to go immediately to Sierra Leone, accompanied by two of the Mendians, and James Covey, a native of Mendi, who has acted as interpreter, to make inquiries there, and, if necessary, to visit Mendi.

Fig.77<sup>551</sup>

After the January 1840 trial, Covey’s vacillated between staying alongside the *Amistad* Africans or leaving to go back to Africa or to work as a sailor on the *Buzzard* brig. In the wake of the trial, Covey’s financial situation seemed dire. During this time, he lived with Amos Townsend in Westville, a few miles north of New Haven, CT. A four-page document listed expenses paid to Townsend for expenses incurred for Covey, from

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<sup>551</sup> Ibid.

October 1839 to October 22<sup>nd</sup>, 1841 for “passages, boots, board, washing, clothing, cash.”<sup>552</sup> In additions, archives hold some eight letters, written after the January 1840 trial, attributed to Covey. Six were handwritten and the other two were printed in newspapers. Given the differences in writing style, penmanship and content will be analyzed seeking to find the voice-of-color of James Covey, his life and experiences as interpreter.

Finding voices from communities of African and from women has presented a challenge in this search. Despite the involvement of women in the Abolitionist movement, women in the *Amistad* story seemed to remain anonymous. Nameless women in phrases, such as, “an excellent matron is engaged in the instruction of the Africans,” keep alive the involvement of women in the case. The search for women, women of color, and people of color will continue as writers and contributors in the story and history of the *Amistad*.

Regarding John Ferry, I intend to search for historical sources shedding light on his life before and after serving as “first interpreter” for the *Amistad* Africans. The connection between Mendi language, Sign Language, and The *Amistad* Case deserves further exploration. *Amistad* children serving as interpreters deserve to be explored. They served as interpreters during church gatherings and fundraising events. While Covey’s future in Connecticut seemed uncertain, the *Amistad* defense team motioned the court to release the children to allow Covey to train them as interpreters. Likely, IT scholarship on the “natural bilinguals” will prove helpful in this endeavor. The *Amistad* Case yielded other interpreters. Simeon Baldwin, son of the *Amistad* lawyer, reported in his paper delivered to the New Haven Colony Historical Society that, on his return to Africa, Sengbe Pieh, aka Cinqué, became an interpreter. In his paper, Baldwin recalled that Sengbe “finally settled down into the position of interpreter of the mission station, where he died,

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<sup>552</sup> AMA FI 4659.

about 1879.”<sup>553</sup> Combining the ethnographical interviewing tool, I would search for an opportunity to converse with living descendants of Sengbe Pieh to ascertain the truth of this assertion.

Supreme Court files may also reveal interpreting and translation issues in the *Amistad* Case. Although some initial correspondence did not reveal information on the translation protocol of the Department of State or the responsible translator(s) or editor(s) of the English translation of the *Licencias*, further research may produce relevant data on these issues. Additional Spanish and English newspapers, and archives held by other institutions and historical societies possibly contain further historical data on researched issues. It is likely that other state or federal cases required translation and interpreting services in the eighteenth and nineteenth centuries. Finding additional cases may facilitate a comparative study looking at legal procedural differences and similarities around interpreting and translation issues. The *Amistad* story has produced a myriad of sources. I would like to explore the role of interpreters and interpreting and translation in such works as, the *Amistad* opera, poems, and playwrights.

But those will be new stories and counterstories to tell.

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<sup>553</sup> “The Captives of the *Amistad*,” 364.





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