

Justice for All?

Directions: Answer the questions for both groups involved.

Ruiz and Montes	The <i>Amistad</i> Captives
How were they mistreated?	How were they mistreated?
What did they do wrong?	What did they do wrong?
Why do they deserve justice?	Why do they deserve justice?
If justice is served, what should they receive? Why?	If justice is served, what should they receive? Why?

Which group would you defend in court? Choose one side only.

What is your reason for choosing this side?

Strategy: What laws do you know of today that would support your above statement?

The Magna Carta

The Magna Carta, or the Great Charter is a legal document that is a symbol of liberty and justice. The Magna Carta was written in 1215 by noblemen in England and signed by King John. In general, the document stated that the King had to abide by certain rules instead of doing whatever he wanted. For example, the King had to have the consent of others before he could do certain things like raise taxes or collect fees.

Part I: Here is a list of laws from the *Magna Carta*. For each one, write the reason you think the law was needed at the time.

1. “No man shall be forced to perform more service for a knight’s fee or other free holding of land than is due from it.”

2. “No one can levy an aid from his free men except to ransom his person, make his eldest son a knight and to marry his eldest daughter.”

3. “There shall be a standard measurement for wine, ale and corn throughout the kingdom. There shall be a standard width for cloth...weights are to be standard similarly.”

Part II: What do these laws mean? Do they sound familiar?

1. “No freeman shall be seized or imprisoned or stripped of his rights or possessions or outlawed or exiled except by the lawful judgment of his equals or by the law of the land.”

2. "To no one will we sell, to no one deny or delay right or justice."

Part III: Using the handout titled, "England in 1215" *, write the reason the following items were written into the Magna Carta.

a. weights and measures

b. wages

c. fines

Part IV: Using the second handout titled, "Magna Carta, What it was and What it was not",* write a definition or a description of the following terms.

a. trial by jury

b. habeas corpus

Lesson 9
Homework

Name:
Date:

The *writ of habeas corpus* was used in the defense of the *Amistad* captives. The lawyers for the Africans argued that because the Africans were kidnapped from their homeland unlawfully, their imprisonment in a Connecticut jail was also illegal and they should be allowed to return to Africa. Their lawyer Roger Baldwin made this argument all the way to the Supreme Court. John Quincy Adams also presented an opening statement before the Court. By the time the case reached the Supreme Court, however, some of the Africans had died.

Below is an excerpt from John Quincy Adams's diary. The entry was made a month before he presented his statement to the Supreme Court on behalf of the *Amistad* captives. The entry mentions The *Antelope*. This was a court case very similar to the *Amistad*, but it occurred nineteen years earlier.

When he wrote this entry, John Quincy Adams was seventy-three years old.

(The underlines do not appear in the original manuscript. They have been added by the creator of this worksheet to facilitate the lesson)

January 14, 1841

[. . .] I went therefore into the Supreme Court library room and took out the volume of Wheaton's Reports containing the case of the Antelope — I read as much of it as I could — and longed to comment upon it as I could — but I have neither time nor head for it — nothing but the heart. [. . .]

John Quincy Adams Diary, Vol. 41: 218, *The Diaries of John Quincy Adams: A Digital Collection*, Massachusetts Historical Society. <http://www.masshist.org/jqadiaries/>

To view a digital image of this document, go to: http://www.masshist.org/jqadiaries/doc.cfm?id=jqad41_218

1. What do you think John Q. Adams meant when he wrote what is underlined above ?

Lesson 9 Homework

January 16, 1841

This day the motion signed by Mr. Baldwin and myself and filed by him in the Supreme Court to dismiss the appeal by the United States from the Decree of the District and Circuit Courts, in the case of the Amistad captives, was to have been argued Saturday being by the rules of the Court the weekly day for the argument of motions – I was not half prepared and went to the Court with a heavy heart, full of undigested thoughts of the justice of my cause; and deeply desponding of my ability to sustain it. When the court was opened the Chief Justice, Roger B. Taney said that the court had thought it best to postpone the Amistad case to await the arrival of Judge Story, who was expected to her here on Monday or Tuesday [...]. The postponement of the case afforded me a momentary relief, but, left a state of suspense scarcely less distressing than the agony of the ordeal itself.

John Quincy Adams Diary, Vol. 41: 220, *The Diaries of John Quincy Adams: A Digital Collection*, Massachusetts Historical Society, <http://www.masshist.org/jqadiaries/>

To view a digital image of this document, go to: http://www.masshist.org/jqadiaries/doc.cfm?id=iqad41_220

1. What do you think he means by “the justice of my cause?”

Now read the following excerpt from the opening statement to the Supreme Court by John Quincy Adams. Then answer the question below.

ARGUMENT
OF
JOHN QUINCY ADAMS

May it please your Honors —

In rising to address this Court as one of its attorneys and counsellors, regularly admitted at a great distance of time, I feel that an apology might well be expected where I shall perhaps be more likely to exhibit at once the infirmities of age and the inexperience of youth, than to render those services to the individuals whose lives and liberties are at the disposal of this Court which I would most earnestly desire to render. But as I am unwilling to employ one moment of the time of the Court in anything that regards my own personal situation, I shall reserve what few observations I may think necessary to offer as an apology till the close of my argument on the merits of the question.

I therefore proceed immediately to say that, in a consideration of this case, I derive, in the distress I feel both for myself and my clients, consolation from two sources—first, that the rights

of my clients to their lives and liberties have already been defended by my learned friend and colleague in so able and complete a manner as leaves me scarcely anything to say, and I feel that such full justice has been done to their interests, that any fault or imperfection of mine will merely be attributed to its true cause; and secondly, I derive consolation from the thought that this Court is a Court of JUSTICE. And in saying so very trivial a thing, I should not on any other occasion, perhaps, be warranted in asking the Court to consider what justice is. Justice, as defined in the Institutes of Justinian, nearly 2000 years ago, and as it is felt and understood by all who understand human relations and human rights, is—

“Constans et perpetuá voluntas, jus suum cuique tribuendi.”

“The constant and perpetual will to secure to every one his own right.”

And in a Court of Justice, where there are two parties present, justice demands that the rights of each party should be allowed to himself, as well as that each party has a right, to be secured and protected by the Court. This observation is important, because I appear here on the behalf of thirty-six individuals, the life and liberty of every one of whom depend on the decision of this Court. The Court, therefore, I trust, in deciding this case, will form no lumping judgment on these thirty-six individuals, but will act on the consideration that the life and the liberty of every one of them must be determined by its decision for himself alone.

John Quincy Adams, *Argument of John Quincy Adams Before the Supreme Court of the United States, in the Case of the U. S. Appellants, vs. Cinque, and others, Africans, captured in the Schooner Amistad . . .*, (New York: S.W. Benedict, 1841).

Write three things John Quincy Adams says Justice is or should allow.

a.

b.

c.
