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## **Argument of John Quincy Adams, before the Supreme Court of the United States, in the case of the United States, Appellants, vs.**

Extracted on Apr-18-2024 01:45:35

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the correspondence of the Secretary of State with the ambassador of her Catholic Majesty, as officially communicated to Congress, and published among the national documents.

The charge I make against the present Executive administration is that in all their proceedings relating to these unfortunate men, instead of that of Justice, which they were bound not less than this honorable Court itself to observe, they have substituted Sympathy! - sympathy with one of the parties in this conflict of justice, and Antipathy to the other. Sympathy with the white, antipathy to the black - and in proof of this charge I adduce the admission and avowal of the Secretary of State himself. In the letter of Mr. Forsyth to the Spanish Minister d'Argaiz, of 13th of December, 1839, [Document H. R. N. S. 185,] defending the course of the administration against the reproaches utterly groundless, but not the less bitter of the Spanish Envoy, he says:

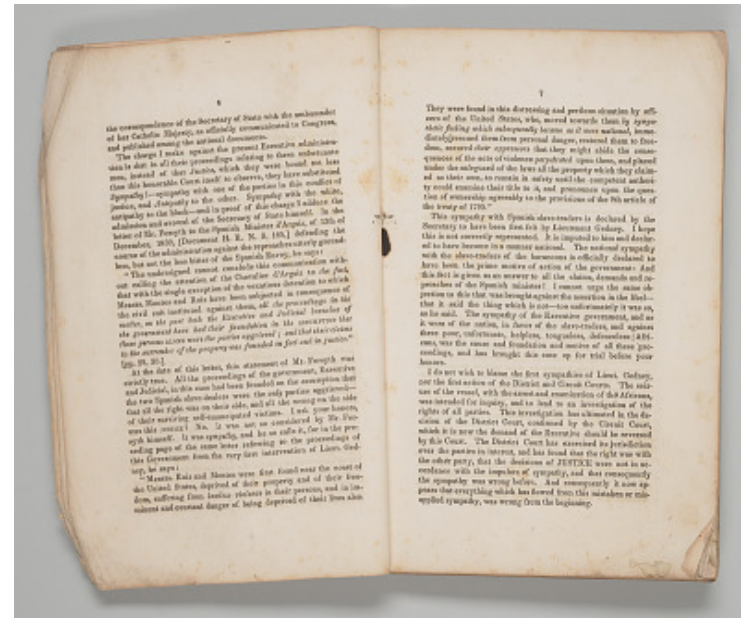
"The undersigned cannot conclude this communication without calling the attention of the Chevalier d'Argaiz to the fact, that with the single exception of the vexatious detention to which Messrs. Montes and Ruiz have been subjected in consequence of the civil suit instituted against them, all the proceedings in the matter, on the part of both the Executive and Judicial branches of the government have had their foundation in the ASSUMPTION that these persons ALONE were the parties aggrieved; and that their claims to the surrender of the property was founded in fact and in justice." [pp. 29, 30.]

At the date of this letter, this statement of Mr. Forsyth was strictly true. All the proceedings of the government, Executive and Judicial, in this case had been founded on the assumption that the two Spanish slave-dealers were the only parties aggrieved - that all the right was on their side, and all wrong on the side of their surviving self-emancipated victims. I ask your honors, was this JUSTICE? no. It was not so considered by Mr. Forsyth himself. It was sympathy, and he so calls it, for in the preceding page of the same letter referring to the proceedings of this Government from the very first intervention of Lieut. Gedney, he says:

"Messrs. Ruiz and Montes were first found near the coast of the United States, deprive of their property and of their freedom, suffering from lawless violence in their persons, and in imminent and constant danger of being deprived of their lives also.

They were found in this distressing and perilous situation by officers of the United States, who, moved towards them by sympathetic feeling which subsequently became as it were national, immediately rescued them from personal danger, restored them to freedom, secured their oppressors that they might abide the consequences of the acts of violence perpetrated upon them, and places under safeguard of the laws all the property which they claimed as their own, to remain in safety until the competent authority could examine their title to it, and pronounce upon the question of ownership agreeably to the provisions of the 9th article of the treaty of 1795."

This sympathy with Spanish slave-traders is declared by the Secretary to have been first felt by Lieutenant Gedney. I hope this is not correctly



represented. It is imputed to him declared to have become in a manner national. The national sympathy with the slave-traders of the baracoons is officially declared to have been the prime motive of action of the government : And this fact is given as an answer to all the claims, demands and reproaches of the Spanish minister! I cannot urge the same objection to this that was brought against the assertion in the libel— that is said the thing which is not—too unfortunately it was so, as he said. The sympathy of the Executive government, and as it were of the nation, in favor of the slave-traders, and against these poor, unfortunate, helpless, tongueless, defenceless Africans, was the cause and foundation and motive of all these proceedings, and has brought this case up for trial before your honors.

I do not wish to blame the first sympathies of Lieut. Gedney, nor the first action of the District and Circuit Courts. The seizure of the vessel, with the arrest and examination of the Africans, was intended for inquiry, and to lead an investigation of the rights of all parties. This investigation has ultimated in the decision of the District Court, confirmed by the Circuit Court, which is now the demand of the Executive should be reversed by this Court. The District Court has exercised its jurisdiction over the parties in interest, and has found that the right was with the other part, that the decisions of JUSTICE were not in accordance with the impulses of sympathy, and that consequently the sympathy was wrong before. An consequently it now appears that everything which has flowed from this mistaken or misapplied sympathy, was wrong from the beginning.

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