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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 Mar-28-2024 10:17:02

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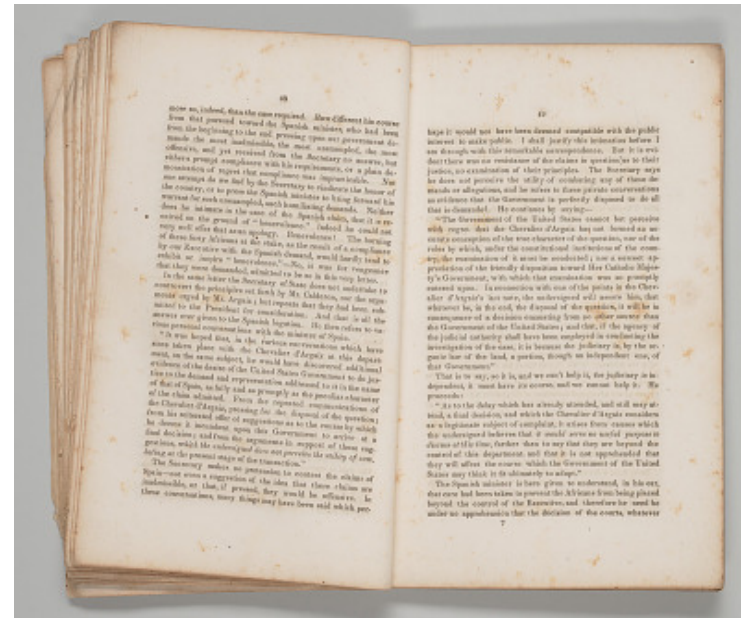
more so, indeed, than the case required. How different his course from that pursued toward the Spanish minister, who had been from the beginning to the end pressing upon our government demands the most inadmissible, the most unexampled, the most offensive, and yet received from the Secretary no answer, but either a prompt compliance with his requirements, or a plain demonstration of regret that compliance was impracticable. Not one attempt do we find by the Secretary to vindicate the honor of the country, or to press the Spanish minister to bring forward his warrant for such unexampled, such humiliating demands. Neither does he intimate in the case of the Spanish claim, that it is received on the ground of "benevolence." Indeed he could not very well offer that as an apology. Benevolence! The burning of these forty Africans at the stake, as the result of a compliance by our Executive with Spanish demand, would hardly tend to exhibit or inspire "benevolence." - No, it was for vengeance that they were demanded, admitted to be so in this very letter.

In the same letter the Secretary of State does not undertake to controvert the principles set forth by Mr. Calderon, nor the arguments urged by Mr. Argaiz; but repeats that they had been submitted to the President for consideration. And that is all the answer ever given to the Spanish legation. He then refers to various personal conversations with the minister of Spain.

"It was hoped that, in the various conversations which have since taken place with the Chevalier d'Argaiz at this department, on the same subject, he would have discovered additional evidence of the desire of the United States Government to do justice to the demand and representation addressed to it in the name of that of Spain, as fully and as promptly as the peculiar character of the claim admitted. From the repeated communications of the Chevalier d'Argaiz, pressing for the disposal of the question; from his reiterated offer of suggestions as to the course by which he deems it incumbent upon this Government to arrive at a final decision; and from the arguments in support of those suggestions, which the undersigned does not perceive the utility of combating at the present stage of the transaction."

The Secretary makes no pretension to contest the claims of Spain- not even a suggestion of the idea that these claims are inadmissible, or that, if pressed, they would be offensive. In these conversations, many things may have been said which perhaps

it would not have been deemed compatible with the public interest to make public. I shall justify this intimation before I am through with this remarkable correspondence. But it is evident there was no resistance of the claims in question as to their justice, no examination of their principles. The Secretary says he does not perceive the utility of combating any of these demands or allegations, and he refers to these private conversations as evidence that the Government is perfectly disposed to do all that is demanded. He continues by saying-



"The Government of the United States cannot but perceive with regret that the Chevalier d'Argaiz has not formed an accurate conception of the true character of the question, nor of the rules by which, under the constitutional institutions of the country, the examination of it must be conducted; nor a correct appreciation of the friendly disposition toward Her Catholic Majesty's Government, with which that examination was so promptly entered upon. In connection with one of the points in the Chevalier d'Argaiz's last note, the undersigned will assure him, that whatever be, in the end, the disposal of the questions, it will be in consequence of a decision emanating from no other source than the Government of the United States; and that, if the agency of the judicial authority shall have been employed in conducting the investigation of the case, it is because the judiciary is, by the organic law of the land, a portion, though an independent one, of that Government."

That is to say, so it is, and we can't help it, the judiciary is independent, it must have its course, and we cannot help it. He proceeds:

"As to the delay which has already attended, and still may attend, a final decision, and which the Chevalier d'Argaiz considers as a legitimate subject of complaint, it arises from causes which the undersigned believes that it would serve no useful purpose to discuss at this time, farther than to say that they are beyond the control of this department, and that it is not apprehended that they will affect the course which the Government of the United States may think it fit ultimately to adopt."

The Spanish minister is here given to understand, in his ear, that care had been taken to prevent the Africans from being placed beyond the control of the Executive, and therefore he need be under no apprehension that the decision of the courts, whatever

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