



Smithsonian Institution

National Museum of African American History and Culture

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-29-2024 04:47:36

The Smithsonian Institution thanks all digital volunteers that transcribed and reviewed this material. Your work enriches Smithsonian collections, making them available to anyone with an interest in using them.

The Smithsonian Institution (the "Smithsonian") provides the content on this website (transcription.si.edu), other Smithsonian websites, and third-party sites on which it maintains a presence ("SI Websites") in support of its mission for the "increase and diffusion of knowledge." The Smithsonian invites visitors to use its online content for personal, educational and other non-commercial purposes. By using this website, you accept and agree to abide by the [following terms](#).

- If sharing the material in personal and educational contexts, please cite the National Museum of African American History and Culture as source of the content and the project title as provided at the top of the document. Include the accession number or collection name; when possible, link to the National Museum of African American History and Culture website.
- If you wish to use this material in a for-profit publication, exhibition, or online project, please contact National Museum of African American History and Culture or transcribe@si.edu

For more information on this project and related material, contact the National Museum of African American History and Culture. [See this project](#) and other collections in the Smithsonian Transcription Center.

judiciary--and with this pretension on the face of the order, is associated another, if possible still more outrageous upon every security to personal liberty, in the direction to the marshal to deliver over to Lieut. Paine all the negroes, late of the Amistad, under his custody.

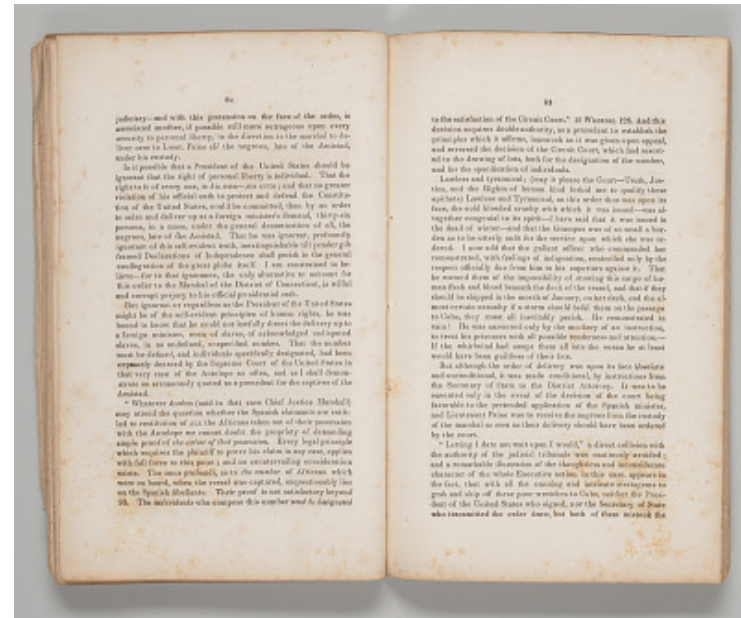
Is it possible that a President of the United States should be ignorant that the right of personal liberty is individual. That the right to it of every one, is his own--JUS SUUM; and that no greater violation of his official oath to protect and defend the Constitution of the United States, could be committed, than by an order to seize and deliver up at a foreign minister's demand, thirty-six persons, in a mass, under the general denomination of all, the negroes, late of the Amistad. That he was ignorant, profoundly ignorant of this self-evident truth, inextinguishable till yonder gilt framed Declarations of Independence shall perish in the general conflagration of the great globe itself. I am constrained to believe--For to that ignorance, the only alternative to account for this order to the Marshal of the District of Connecticut, is willful and corrupt perjury to his official presidential oath.

But ignorant or regardless as the President of the United States might be of the self-evident principles of human rights, he was bound to know that he could not lawfully direct the delivery up to a foreign minister, even of slaves, of acknowledged undisputed slaves, in an undefined, unspecified number. That the number must be defined, and individuals specifically designated, had been expressly decreed by the Supreme Court of the United States in that very case of the Antelope so often, and as I shall demonstrate so erroneously quoted as a precedent for the captives of the Amistad.

"Whatever doubts (said in that case Chief Justice Marshall) may attend the question whether the Spanish claimants are entitled to restitution of ALL the Africans taken out of their possession with the Antelope we cannot doubt the propriety of demanding ample proof of the extent of that possession. Every legal principle which requires the plaintiff to prove his claim in any case, applies with full force to this point; and not countervailing consideration exist. The onus probandi, as to the number of Africans which were on board, when the vessel was captured, unquestionably lies on the Spanish libellants. Their proof is not satisfactory beyond 93. The individuals who composed this number must be designated

to the satisfaction of the Circuit Court." 10 Wheaton 128. And this decision acquires double authority, as a precedent to establish the principles which it affirms, inasmuch as it was given upon appeal, and reversed the decision of the Circuit Court, which had resorted to the drawing of lots, both for the designation of the number, and for the specification of individuals.

Lawless and tyrannical; as this order thus was upon its face, the cold blooded cruelty with which it was issued-- was altogether congenial to its spirit --I have said that it was issued in the dead of winter--and that the Grampus was of so small a burden as to be utterly unfit for the service upon which she was ordered. I now add that the gallant officer who commanded her remonstrated, with feelings of indignation, controlled



only by the respect officially due from him to his superiors against it. That he warned them of the impossibility of stowing this cargo of human flesh and blood beneath the deck of the vessel, and that if they should be shipped in the month of January, on her deck, and the almost certain casualty if a storm should befall them on the passage to Cuba, they must all inevitably perish. He remonstrated in vain! He was answered only by the mockery of an instruction, to treat his prisoners with all possible tenderness and attention.-- If the whirlwind had swept them all into the ocean he at least would have been guiltless of their fate.

But although the order of delivery was upon its face absolute and unconditional, it was made conditional, by instruction from the Secretary of State to the District Attorney. It was to be executed only in the event of the decision of the court being favorable to the pretended application of the Spanish minister, and Lieutenant Paine was to receive the negroes from the custody of the marshal as soon as their delivery should have been ordered by the court.

"Letting I dare not wait upon I would" a direct collision with the authority of the judicial tribunals was cautiously avoided; and a remarkable illustration of the thoughtless and inconsiderate character of the whole Executive action in this case, appears in the fact, that with all the cunning and intricate stratagems to grab and ship off these poor wretches to Cuba, neither the President of the United States who signed, nor the Secretary of State who transmitted the order knew, but both of them mistook the

Argument of John Quincy Adams, before the Supreme Court of the United States, in the case of the United States, Appellants, vs.
Transcribed and Reviewed by Digital Volunteers
Extracted Mar-29-2024 04:47:36



Smithsonian Institution

National Museum of African American History and Culture

The mission of the Smithsonian is the increase and diffusion of knowledge - shaping the future by preserving our heritage, discovering new knowledge, and sharing our resources with the world. Founded in 1846, the Smithsonian is the world's largest museum and research complex, consisting of 19 museums and galleries, the National Zoological Park, and nine research facilities. Become an active part of our mission through the Transcription Center. Together, we are discovering secrets hidden deep inside our collections that illuminate our history and our world.

Join us!

The Transcription Center: <https://transcription.si.edu>

On Facebook: <https://www.facebook.com/SmithsonianTranscriptionCenter>

On Twitter: [@TranscribeSI](https://twitter.com/TranscribeSI)

Connect with the Smithsonian

Smithsonian Institution: www.si.edu

On Facebook: <https://www.facebook.com/Smithsonian>

On Twitter: [@smithsonian](https://twitter.com/smithsonian)