

[SPOONER'S NAME IS WRITTEN ON THE OTHER SIDE OF THE FIRST PAGE]

[TYPED]

LETTER

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Peterboro, November 1, 1847

S.P. Chase, Esq. Cincinatti:

My Dear Sir - At the National Convention of the Libery party, held in Buffalo, 20th last month, I introduced the following resolution:

"Whereas the pro-slavery obligations of the Federal Constitution are found solely in the abundant speculations on the intentions of that instrument: and wherease its anti-slavery obligations are palpable from its plain declarations: - Resolved, therefore, that, relying on these declarations, and refusing to be misled by those speculations, we hold, that slavery, whether in the District of Columbia, or in any other part of the Nation, is clearly and utterly unconstitutional."

It is not too much to say, that you contribued largely to the defeat of the Resolution. The opposition of a gentleman, who, to his many other titles to the esteem of the Liberty party , adds that of being an eminently able constitutional lawyer, could not have failed to be very effective.

Will you permit me to ask you to look again at the Resolution? You will pardon my impatience to gain your approval of it, when you reflect, how loudly the cause of slaves calls for that approval.

I have, for many years, seen on the face of the Constitution power to abolish every part of American slavery. But, formerly, I did not claim, that this power should be exercised to its full extent. One of the pro-slavery speculations on the intentions of the Constitution is that the Federal Government was not to demand the abolition of slavery

in the "old thirteen States." In common with most abolitionists, I deferred to this speculation, and left the slavery of those States to their own disposal. Now, however, for a considerable length of time, I have turned my back on all such speculations; and have been in favor of taking the Constitution just as it reads, we, of course, come, promptly to the conclusion, that it enjoins the abolition of every part of American slavery. And, why should we not take it, just as it read? Whence, indeed, our permission to do so, for the purpose of making out a case against the most essential and sacred human rights?

In its preamble, we find, that the Constitution is not a den of Slavery; but a temple of Liberty. A temple of Liberty, I say; for the Goddess herself stands in its vestibule. We learn from the preamble, that one of the objects of ordaining and establishing the Constitution was "to secure the blessings of liberty." Passing on, we find, that the Constitution harmonizes with the preamble - the temple with the vestibule. For instance, the Constitution provides, that "the right of the people to be secure in their persons, &c., against unreasonable searches and seizures shall not be violated;" and that "no person shall be deprived of life, liberty, or property, without due process of law;" and that "the United States shall guaranty to every State in this Union a republican form of government." Now, who can doubt, that this language does, on the face of it, and by every rational and just construction of it, give power to abolish every part of American Slavery?

But, it is said, that there are passages in the Constitution, which are pro-slavery. In what sense, however, are they pro-slavery? If they do not require the upholding of slavery, nor forbid the abolition of it, then, whether they are, or are not, pro-slavery, is wholly foreign to the question before us; for then, they do not stand in the way of exercise of the distinct, and positive, and sufficient powers for abolishing every part of American slavery.

Is it said, that the provision, which refers to the importation of African slaves (, for such I admit to be its reference,) is a pro-slavery taint upon the Constitution? Whether so, or not, is immaterial to our present argument. Does it stand in the way of the abolition of American slavery by the Federal Government? That is the only pertinent question. It manifestly does not; - for it expired by its own limitation, forty years ago.

I have specified several of the anti-slavery powers of the Constitution. This provision, respecting the African slave trade, calls to mind, and stands in connection with, another of its anti-slavery powers. It is the power to regulate commerce. It was taken for

granted, that this power would be used , as it afterwards was used, to abolish the African slave trade. And, well, might it be taken for granted, - for the only remaining friendship for the trade was confined to South Carolina and Georgia. Even North Carolina, by the tax she had imposed upon it, had, in effect, prohibited it within her borders. To conciliate a handful of persons in two of the States, the exertion against the African slave trade of the power to regulate commerce was restrained for nineteen years. This is to be regretted. Nevertheless, this temporary restraint of one of its anti-slavery powers did not restrain then, and much less does it restrain now, any other of the anti-slavery powers of the Constitution.

I said, that the African slave-trade was abolished under the power to regulate commerce. The great extent of this power is argued from the fact, that it is, from its definition, just as competent to abolish the inter-State slave-trade, as the African slave-trade; and from the further fact, that to abolish the inter-State slave-trade is to cut the very jugular of American slavery.

We have seen, that the provision, respecting the African slave-trade, stands not in the way of the abolition of slavery. But, is it to be regarded, as even a pro-slavery taint on the Constitution? It is true, that this provision and that, under which the African slave-trade was abolished, and under which the inter-State slave-trade should also be abolished, lack juxtaposition on the pages of the Constitution. Nevertheless, they are to be viewed, as essentially connected with each other; and as inseparable parts of an anti-slavery agreement, into which the "old thirteen States" entered. That agreement might be expressed, as follows:

"The Congress shall have the power to regulate commerce with foreign nations, and among the several States, with the exception, that it shall not be used to abolish the African slave-trade earlier than the year 1808."

This agreement was a great anti-slavery concession on the part of the "old thirteen States." At the time, they made it, they had as an unquestioned a right, as any other sovereignties on the globe, to carry on the African slave-trade. Nevertheless, in this agreement, they empowered the Central or General Government, which they were creating, to abolish both the African and inter-State slave-trade, with no other reservation than that it shall not abolish the African slave-trade, prior to the year 1808. Clearly then, so far as this agreement gives character to the Constitution and the General Government, they are anti-

slavery - not pro-slavery. If my drunken neighbors give me the power to break their bottles, and stop their drinking, and if need be, lock them up - with no other reservation, than that for nineteen weeks (, a week in the life of a man is more than a year in the life of a nation,) I shall not withhold from them a specified kind of liquor - is the paper, in which they give me this power, to be called an anti-temperance paper? - or am I, for consenting to be its depositary, to be called an anti-temperance man? Manifestly not.

In all arguments to prove the pro-slavery character of the Constitution, great stress is laid on the provision for the appointment of representatives. But, does this provision require the upholding of slavery? This is not pretended. Does it forbid the exercise, in any direction, of the anti-slavery powers of the Constitution? Nor is this pretended. What then? Why, it operates to the advantage of slavery! If this be so, then all, that need be said, is, that, in such operation, we have another reason for exercising the anti-slavery powers of the Constitution, and abolishing slavery.

It is contended, that this is a wrong provision. But, since it neither requires the upholding of slavery, nor forbids its abolition, it is entirely extraneous to the present argument, whether it is a right, or a wrong provision. I will admit, however, that it is a wrong provision: - but, not for the reason, which many give for calling it such. They call it a wrong, because it counts slaves in the apportionment. A slave, they hold, should not be counted politically, as much as three-fifths of a man, nor even as much as the smallest proportion of a man: -whereas I call it wrong for the directly opposite reason, that it does not suffer the slave to count for a whole man. It is said, that, inasmuch as the slaves are not permitted to vote, they should not be counted in the apportionment. Why, then, should free people of color be counted in it - for they, with small exceptions, are not permitted to vote? Why, then, should women be counted in it - for they are all robbed of their right to vote? Why then, should the poor white men, who, in some parts of the Nation, are denied the right to vote, be counted in the apportionment?

It is, indeed, a great hardship, that the slaves should be counted in the apportionment of representatives, and yet, have no vote in the choice of them. But, as the fault in the case is exclusively with those States, which forbid their voting, so, also is the remedy, exclusively with them. To say, that, because a State Government deprives some of its subjects of the right to vote, the Federal Government should refuse to count the disfranchise ones as men, or even parts of men, is to say, not only, that to a great wrong a greater may be added, but that a greater wrong is the remedy for a less one.

I close my remarks, under this head, by saying, that if the provision before us has, by reckoning the slave to be as much as a part of a man, a tendency to sustain slavery; so has it also, by reckoning him to be no more, a tendency to overthrow it. A slave State is under a powerful inducement to abolish slavery, to the end, that each of her citizens may become a unit, and that she may thereby have her proportionate representation in the councils of the Nation.

The right to "suppress insurrection" and "domestic violence" is among the inherent powers of Civil Government. Must that right be, therefore, exercised against the rising of the American slave for his liberty? If it be so decided, then, all I have to say, is, that such decision necessarily involves the decision, that the Federal Government must, in the exercise of its ample powers thereto, abolish slavery. If, so long as I sustain a certain relation, I must do wrong, then I must forthwith dissolve such relation. If the Federal Government must recognize and punish as the insurgent, the slave, who rises for his liberty, rather than the slaveholder, who rises to oppose him, then must that Government, if it be only to escape from the construed necessity of doing this wrong, hasten to abolish slavery. Had the federal Government the power to abolish the trade in stolen goods, as it has the power to abolish slavery, then would its obligation (were it under such,) to protect every existing trade, be an obligation to abolish the trade in stolen goods.

The provision respecting fugitives from service is the only other one relied on to prove the pro-slavery character of the Constitution. But, this provision, under which the master can pursue his apprentice, and the parent his child, has not, from its language, any application to slaves. It was, however, intended to have such application, says the expounder of the Constitution. But, this brings us to that region of speculation, forbidden by the Resolution, which I offered, and advocated, at Buffalo. I will, notwithstanding, ever the forbidden region far enough to inquire, whether we can properly consent to be governed by an unexpressed intention - and unexpressed conjectured intention- an intention, withal, which could not have been expressed, without revolting the Convention, that framed the Constitution, and the people, who passed upon it. I will tarry long enough in this forbidden region of speculation to admit, that few members of the Convention did undertake to smuggle slavery into the Constitution, through this provision. Surely, however, we are not bound to yield to their unsuccessful attempt, what we should, perhaps, have been obliged to yield, had their attempt been successful. The fact maybe stated here, that they, who undertook to get slavery into the Constitution, without appearing to undertake it; and without using any of those offensive words or phrases, by which it would seem to be there, undertook an impracticability.

The provision under consideration is numbered among the much talked of pro-slavery compromises of the Constitution. How far it is from being a pro-slavery compromise is manifest from several facts.

1st. It was introduced near the close of the labors of the Convention; and was, at once, adopted unanimously - without be referred to a committee, and without debate.

2d. Only the day previous, the mover of a provision for recovering, *in express terms*, fugitive slaves, had to withdraw it precipitately before the opposition, which it aroused.

3d. Some days afterwards, when the Report of the committee on the style and arrangement of the Constitution was taken up, the word "servitude" in another part of the Constitution was struck out, and "service" put in its place. This was done for the assigned reason, that "servitude" expresses the condition of slaves, and "service" the obligations of free persons. But in the provision before us, the reverse change was neither made, nor called for.

4th. I am not certain- but, I believe, that some twenty years elapsed before this provision was successfully applied to the case of a fugitive slave: and never would it have been thus applied, had not the anti-slavery spirit of the close of the eighteenth century died away.

5th. At the time of the Convention, American slavery was an expiring institution; and probably, none of its members, excepting some three or four Georgians and South Carolinians, cared a straw how many slaves ran away.

I say no more on this point, but that even if this provision, or any others provision of the Constitution, had been, on the part of its framers, a pro-slavery compromise, it would not, therefore, have been such on the part of the people, who adopted it.

We need examine the Constitution no farther. It is enough, that we

have adverted to some of its powers, whereby every part and parcel of American slavery can be abolished; and that we have seen, that there is nothing in the Constitution to forbid the exercise of these powers.

And now, my dear Sir, is it not high time for the Liberty party to have done with running after the pro-slavery speculations on the intentions of the Constitution? Is it not high time to leave to the pro-slavery parties the hunting up of slavery in the intentions of that instrument? Let that miserable work be theirs. But let the Liberty party take the Constitution as it is, and look into its fair free face, instead of mousing about behind its back among the heaps of pro-slavery speculations, which pro-slavery commentators have piled up there. Let the Liberty party, better employed than transforming this Character of liberty into a device to perpetuate slavery, claim for the Federal Constitution ample power to cleanse the land of slavery:- and let it solemnly pledge itself, before Heaven and Earth, that if the people will give it the ascendancy, and permit it to wield the power of the Constitution, American slavery shall quickly feel that power, and quickly be numbered with the things, which have been, but which are not.

With great regard,

Your friend,

GERRIT SMITH

Winchendon March 31, 1849

S.P. Andrews Esq.

Dear Sir,

I take the liberty of sending to you herewith a copy of a letter which I recently wrote to Gerrit Smith and of his reply, and of asking to you judge of the measure they propose. If you like it, may I ask of you the further favor to consult, and use your influence with such persons as you may see fit, with a view to having the enterprise immediately commenced.

I ask these favors of you, because I think you will be interested in the measure, and if so, will be willing to move promptly and efficiently in relation to it. If, however, you should not feel interested, please hand these papers to Mr. Marsh, and excuse the liberty I have taken.

Since writing the letter to Mr. Smith, a sketch of Mr. Calhoun's Charleston speech has appeared. It contains, as you have probably seen, an estimate of northern feeling on the subject of slavery. If, as I think, this estimate be pretty near the truth, it affords the strongest confirmation of the importance of the measure I propose.

The estimate that five per cent of northern voters "sympathize with the south", five per cent more are abolitionists, who are for putting down slavery at all hazards, twenty per cent more are mere sportsmen, who go with the strongest party, whatever it may be; and thus their seventy per cent are, to use his language, "sober, quiet citizens who believe slavery to be an evil, and are willing to see it abolished, but will not consent, for the accomplishment of this purpose, to overthrow the constitution."

According to this estimate, we have but to prove to the people of the north that slavery is unconstitutional, and ninety five per cent of them will be found on the side of liberty. Does not this prove that spreading the truth in relation to the constitution, is really the only work, which abolitionists have any occasion to do?

Should you and others decide to set in motion the project proposed, I will try to go to Boston and cooperate with you; but it will not be convenient for me to go there unless it should be pretty certain that something will be done.

I send this letter with the others, open to Mr. Marsh to be read by him before he delivers them to you, for the reason that, as you will see, he has an interest in the matter.

I shall be very happy to hear from you on the subject. If you write, please direct to this town, Winchendon. Very Respectfully,

Your obedient servant,

Lysander Spooner

P.S. The measure proposed is that my argument be published in such form that it can be sold at \$3 or \$5 the hundred, for gratuitous distribution and that measures be taken for having it distributed gratuitously to the bench, bar, press, legislative bodies, and as far as practicable to the people throughout the country.

Assuming that you may take an interest in this matter, I add a few words more.

In order that the work of distribution may be done thoroughly, and that it may be known when it has been done thoroughly, it will be necessary to observe some system in doing it. I suggest the following. That, as a first step, it be recommended that those friendly to the object, in every town throughout the free states, form themselves into an association, for these two purposes, to wit. 1. That of furnishing a copy to every man in their own towns to read it. 2. That of raising funds for the distribution of the argument in the southern states.

As these associations may have occasion to report progress to and perhaps to have some other correspondence with each other it will be convenient that they all have a uniform name, varied only by the names of their respective towns. I suggest the following : Anti-Slavery Constitutional League for the Town of ____."

In order to enable everybody to become members, without committing themselves on any other point than the single one in view, they should be required to sign no committed more than the following.

"We the subscribers, believing, or desiring to believe, that slavery in any of the United States, is unconstitutional, affix our names hereto, as members of the Anti-Slavery Constitutional League for the Town of ____, and agree that any funds we may contribute shall be expended by the league for the distribution of Spooner's argument on the Unconstitutionality of Slavery; the distribution to be made first in our own town, and then either in our own county, our own state, or in the

southern states, as the committee of the league, having the management of its affairs, shall deem expedient."

The formation of these township leagues will be the first step. If any league organizations should be required for making the distribution at the south, they can be readily be formed afterwards. Perhaps each free state, after furnishing its own citizens, would undertake to furnish a slave state.

A committee in Boston should employ a publishing agent and agree to furnish the argument at \$3 or \$5 the hundred - the lowest price at which it could be afforded, covering all expenses (inclusive or exclusive of the cost of copyright as might be deemed most desirable).

Mr. Marsh would probably be glad of the publishing agency, and if he should give up his present right, would have some claims to it.
L.S.

Gerrit Smith, Esq. Winchester(?) Mass. March 14 - 1847

Dear Sir,

I take the liberty of offering to you a suggestion which would have come with more propriety from some one else. I confess my disappointment that some plan of this kind has not been started by others. Perhaps the reason has been that, not being lawyers, they did not see the importance of it, or being engrossed with other things, they have overlooked it. But whatever may have been the course, the thing has not been done; and for me to omit doing it under these circumstances would be making modesty on higher virtue than justice and mercy united. I therefore offer the suggestion, expecting of course that it will be received subject to all the disfavor that will naturally be felt on account of its coming from one who cannot be supposed to be disinterested. Not doubting, however your disposition to consider it on its merits I will venture to trouble you with my reasons in support of it, given somewhat at length.

The suggestion relates to my argument on the Unconstitutionality of

Slavery, and is founded in the assumption that that argument is sound. It is shortly this, that the constitutional question be brought at once before the appropriate legal mind of the country in such manner as to compel immediate attention to it, and a speedy decision of it.

The Albany Patriot, speaking of the argument says, "If every lawyer in the country could have it put into his hands and be induced to study it as he does his brief, it would alone overthrow slavery." If this argument be sound, such would necessarily be the result, for legal truths have that certainty in them that makes it useless to deny them. One may as well deny a mathematical demonstration.

Although I think our courts are corrupt to a degree of which few persons are aware, and although I have little or no doubt that, were they made acquainted with the fact that slavery is unconstitutional they would yet deny it so long as they supposed the bar and the people to be ignorant of it yet it is idle to suppose they would dare deny it or at least dare persist in denying it after they knew that it was in the _____ of the bar and the people. It would await nothing, and only bring infamy upon themselves. Even the south would not expect to sustain, and would not think of attempting to sustain slavery by means of open and perpetual perjury in the part of the judiciary. They would resort to revolution nullification discussion, any thing sooner than think of a scheme so disgraceful, foolish and impracticable; as that of maintaining slavery by the infamy of the judiciary. The result, then, is inevitable that slavery must be declared unconstitutional by the judiciary, if that truth be but put in pop_____ of the bar and the country.

The plan I propose is this -

I will sell to one association of gentlemen, for a sum outright (probably for such a sum as Gent. Fependen and yourself should say was reasonable; the right of publishing the argument ad libitum for three years. And doubtly the present publisher, Marsh, would sell his interest in it, for a reasonable sum. This done, the argument could probably be compressed in fine type, into a large quarto of sixteen pages. In this form it could be sold at \$3 to \$5 the hundred. Copies should be presented to the bench, the bar, the press, the legislative bodies and as far as possible to the people, throughout the entire country. The distribution to the people, as well as to the other classes mentioned, should be gratuitous; but a notice should be printed in each copy, requesting the reader, if he should approve the argument, to contribute according to his ability, towards giving it to others. If but one reader in twenty should contribute a dollar, the distribution

could go on indefinitely, or until every family in the country should convince to readers as it is reputed to have done this for, there would be no lack of donations to promote its distribution.

To induce the reading of it, a preparatory note should accompany the argument, signed by a committee of gentlemen whose names would be a guaranty that the argument was worth reading commending it the consideration of the public, and informing them that a copy was to be sent to the bench, the bar, the press, and as far as possible circulated among the people throughout the country, with the view of correcting, calling out, and giving effect to the constitutional opinions of the country. Certainly the argument would be read under these circumstances. Being read, what would be the result? A thorough and universal discussion of the question by the bar among themselves, its discussion by the people in proportion to its circulation among them, its introduction into the political press, and into the halls of legislation. The truth, if the argument be true, would thus become public; and being public, the judiciary must acknowledge it, and hold slavery unconstitutional.

The southern state courts would of course be the last to come to this conclusion. But their delay and their refusal would be of no avail. The north would be united: being united, they would have the power; they would control the appointment of judges, and the opinions of the north would therefore determine the decisions of the United States courts. The national government, in all its departments, would hold slavery unconstitutional. And holding it unconstitutional, it would be bound to sustain with the force of the nation, its own judiciary in liberating the slaves on habeas corpus, if not otherwise. And it would have power to establish as many courts as might be necessary to liberating every slave separately in the United States.

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But it may be said that the south will see this result in advance of its accomplishment, and

resort to disunion. Be it that they will attempt disunion, will they succeed? They will have to place their movement entirely upon the ground that the national courts in the majority of the nation hold slavery unconstitutional. This will open the eyes of the non-slaveholders of the south, and present to them the question whether they will secede from the union for such a reason? Or whether they will adhere to the union against the slaveholders? Is there any doubt which they would choose? This the south is divided against the union, it would avail nothing. The south united has not the physical power to secede and hold her slaves against the power of the north.

But the slaveholders themselves will not persevere in an attempt at disunion. And why? The opinion of the judiciary and the general government sustained by the power of the north, that slavery is unconstitutional, will bring the question into their state courts in a new form. Slaveholders in debt for their slaves will be compelled by self-preservation, to contest the validity of their debts; suits for freedom, suits for assault, suits for damages, suits for wages would overwhelm the courts. Even secession if accomplished, would not terminate this litigation. All these things and others that would accompany this, would strike down the value of slave property to that extent that the slaveholders themselves would soon find they had nothing to secede for.

Having thus sketched the results which I think must follow the measure I propose, and which I think too must be realized within much fewer years than perhaps most persons would believe, let us now look on this alternative to the question. That is, on the probable progress of the cause, if the constitutional question be kept out of sight, or be allowed only to make its way, without any special aid and in this dilatory manner that it has been left to do, since the publication of my argument and here let me speak of the Liberty Party.

I have long been waiting in the hope of serving that party expend their efforts with me direct reference to a result. At present they seem to me to be beating the air, with no distinct or practical object before their eyes, at which to aim. And this, I asserted, is the reason of its tardy advance.

I think it must be admitted that the importance of the party, as an agency for the actual abolition of slavery, must be estimated mainly by what it proposes to do directly towards abolishing it, and by what it shows that it can do, if men will join it.

If we leave out of the question the unconstitutionality of slavery, which, as a party, they do not avow, (and which their leading paper, the National Era, with an ignorance and indifference, which indicate that he has not condescended to even examine the subject, denies), if, I say, we leave the unconstitutionality of slavery out of the question, has the party ever proposed to abolish slavery? Does it now propose it? Has it ever shown, or dared attempt to show, that it can do it, even if the whole north were to join them? If so, how has it shown that it can do it? Is it not clearly of very little avail in its influence upon the common mind for them to say, as they continually do, that they will do all they can do, virtually admit what the world thinks is true,

that they can constitutionally do nothing? What encouragement is there for any one to join them to do what they themselves suggest no possible way of doing? There are men enough ready to do whatever ought to be done, and can be done, but such is the practical character of mankind generally, they will insist upon seeing that a thing can be done, before they will leave the care of their other interests to take hold to do it. I know that hopeful and persevering spirits will trust to find a way to do every thing that ought to be done; but this cannot be expected of mankind at large.

But suppose that all the free states were one unanimous Liberty party, could they abolish slavery or do the first thing towards it, so long as they concede that slavery is constitutional? To raise the north from her degradation at the feet of slaveholders, and induce her to insist upon her share of the offices of the general government, may be all very well of itself, but does that result, when accomplished, touch the chain of a single slave? Will not the slaveholders still hold their slaves under the constitution, as they do now? And will they not hold them thus forever, if they please? To talk of amending the constitution, by the action of three fourths of the states, so as to abolish slavery, is to put off the matter to some remote and unknown period. The whole matter may nearly as well, perhaps better, be left to Mr. Clay's "insuitable law of population," while we turn our attention to some other of the many evils that are around us, requiring to be remedied. To talk of revolution, as all Liberty men who concede the constitutionality of slavery are bound in strict principle to do, is useless. There is not virtue enough in mankind at large for such an effort. They will hardly resort to revolution to throw the yokes from their own necks - much less to throw it from the necks of others. Even those Liberty men, who acknowledge the constitutionality of slavery, disclaim revolution.

How, then, is this work to be accomplished? Plainly, in but one way, viz, by giving the constitution its true construction, and carrying it to effect. And how is this to be done? Sooner or later it must be done, if at all, by bringing the matter to the knowledge of the bar and the bench, who are to decide the questions, and to the people who are to support them in deciding it rightly. It can be done no otherwise. Why, then, not do this now/. Perhaps it will be said, (for I see not what else can be said in defence of the present inaction on this subject), that the people at large will sometime find out the true character of the constitution; and not when they shall have become possessed of the truth, it will find its way from them to the bar and the bench. But in what age of this world will the people at large become acquainted with this truth, if no more effort be made, than has been made, to bring them a knowledge of it?

But it is to the bench and the bar that this truth should be carried first at once; for the people will much more readily take the knowledge from them, than carry it to them. It will probably make the difference of a whole generation in the result, whether the argument be sent at once to the bench, the bar, press and legislatures, or be allowed to reach them, if indeed it ever should reach them through the unaided progress of events. And since it can be sent to them at so trivial an expense, what excuse is there for the delay?

If the argument be sound, you will by sending it at once to the bar throughout the country, raise up speedily thousands of advocates, legal advocates, who will carry the truth to the people, into the courts, and into the legislatures, and who will give the nation no peace until the work is accomplished.

You will then have no lack of a Liberty Party. You will have a Liberty party indeed, one that will not only have a will, but will have found a way. And that party will soon comprise substantially the whole people of the north.

The people of the north do not need eternal homilies on the sinfulness of slaveholding, its national disgrace, its inconsistency with the Declaration of Independence, its baneful influence on the liberties of the world. All this they understand already. They want simply to know if there be any remedy, short of revolution, short of violating their constitutional faith. They are not prepared for these alternatives (as I admit they ought to be, if it were necessary), but they are prepared for almost any thing short of them. At any rate they are prepared to stand by the constitution, if it supports liberty. If you say they are not prepared even for this, the speediest way of bringing them to that state of preparation is to prove to them that slavery is unconstitutional and thus present to them the simple alternative of overthrowing the constitution for the support of slavery, or of standing by it in support of freedom. What apology then, have those who believe that slavery is unconstitutional, for not giving this truth to the people? And especially to the bar and the bench, who must pronounce upon it, and whose decision the people will abide by.

But I will not trespass further upon your attention, although the subject admits of much additional remark. Allow me to repeat that I know the unfavorable suspicions to which I expose myself in being the first to propose and urge this measure. But I should be a coward if I were to refrain from doing it on that account. I propose it to you, because I think you would be as much disposed as any one to consider it on its merits, and more likely than any other one to put it in operation the necessary measures for having it accomplished, if you should think

it ought to be done. There reasons, I doubt not will be a sufficient apology for this letter,

If you should do me the favor to write me on the subject, please direct to Athol, Mass.

I am very respectfully,
Your obedient servant,
Lysander Spooner

Gerrit Smith, Esq,
Peterboro, New York

Copy of Gerrit Smith's Reply

"Peterboro, March 20 -1847

Lysander Spooner, Esq.

My dear Sir:

Your letter finds me an invalid. The obstinate local ailments which have confined me to my bed most of the winter, still confine me to it. Hence I use the hand of another I writing you a few lines.

I thank you for your letter Its proposition has my hearty assent. I value it more than less - but all the more for having come from yourself. And I am glad that you did not suffer an uncalled for modesty to hinder you from making the proposition.

Could that be carried into effect which your letter proposes, the interests of liberty and of our country would be greatly benefitted thereby. The state of my health and my pressing engagements will prevent my doing in this matter all over great part of of what I should otherwise do. I hope you will be able to interest others in the proposition. You may depend on me for a pecuniary contribution towards carrying it into effect.

I will take the liberty to show your well reasoned and interesting letter to such intelligent abolitionists as shall come in my way.

With great regard, you friend

Gerrit Smith"

To Gerrit Smith

March 14, 1847

Also to S.P.Andrews

March 31, 1847

Also of Gerrit Smith's answer

March 20, 1847

Copy

Winchester, Mass. April 20 1847

Gerrit Smith, Esq.

Dear Sir:

I have suggested to Levitt and Andrews, through my publisher, the projet mentioned in my letter to you. They give me some encouragement that something might be done at a future time, but little that much could be done at present. I have no concluded with others, for the ant of acquaintance and means. I have not lost my own faith in the enterprise, but have somewhat changed my plan.

In the first place, I desire to enlarge the book. If I had the means of living at Boston for three months, I could add to it some things that I think important, which I had no time to write originally, which I was also afraid would make the book too large, and which I thought might as well be postponed for a while. The whole could be printed in pamphlet, is fine type, so as to be sold cheap or cheaper than the present one, viz, \$15 per hundred. Perhaps instead of enlarging the present volume, I shall choose to publish the additional matter separately, as a sequel. While doing this work, I might perhaps be able to enlist leavitt and others in some plan for an extensive distribution so that during the fall and winter something effective might be accomplished.

I am at leisure and could do this work now. Whether I can do it at another time or ever at a better time is uncertain. But I cannot do it unless others see fit to give me the means of living while doing it. I should need \$30. I know of no one but yourself to whom I could apply with any prospect of success. Others might perhaps give me two or three dollars, if I were to so need it, but I cannot consent again, as I did while writing the original, to ask such contributions. If you should feel able and willing to advance me that sum, I will go on with this work- But if you should not, no apology will be necessary.

Indulge me in a single suggestion, additional to those offered in my former letter in favor of pressing the constitutional question to the utmost extent at this time.

The next session of Congress will be the long one, and a very important one. Slavery and the way the atrocities of which have outraged the county will be the topics. If the constitutional question could be thrown in among the others, the effect would be to agitate Congress and the nation, to stop the war and bring the slave power to its knees. For the constitution they regard as their only rock of safety. A systematic effort should therefore be made henceforth to

spread the truth in relation to the constitution, and then to get signed to petitions praying congress to investigate the question, and if convinced that slavery is unconstitutional, then to establish courts throughout the southern state for the liberation of the slaves. If such petitions, backed by a large number of signers, could be presented at the ensuing session, and a copy of the argument be also presented to each member of the discussions in congress would arouse the people, provoke inquiry, and urge matters rapidly to a crisis. So favorable an opportunity for getting the ear of the nation will not probably occur again in a life time.

Mr. Calhoun in his late speech at Charlestown made the very important admission then from seventy five to ninety five per cent of the whole north would go against slavery if they could do so, "consistently with the constitution, and without endangering the heart or propriety of the country." As for the "peace and prosperity" the north are beginning to see that nothing but the overthrow of slavery can secure them. The only other obstacle there is their erroneous ideas of the constitution.

If you should write me, please direct to Athol, Mass.

Very respectfully

Your obedient servant

Lysander Spooner

LETTER OF GERRIT SMITH,
TO THE
LIBERTY PARTY OF NEW HAMPSHIRE

—

Peterboro, March 18, 1848

Gentlemen, —

to-day's mail brings the news, that your State Election has, again, gone against you. I will not condole with you over this event. I will rather cheer myself with the hope, that you will make it the occasion of your repentance. It is, when we see our unjustifiable schemes baffled, and our expectations of their success overthrown, that there is most reason to hope for our repentance. I know, indeed, that you refused to repent under your similar defeat, a year ago. But, it does not follow, that you will refuse to do so, under this repetition of it. A second lesson in adversity often accomplishes in our hearts what the first failed to do.

It is of two things, that your grieved brethren in the Liberty Party desire you to repent.

1st. OF YOUR SIGNAL BREACH OF FAITH

2ND. OF YOUR RUIN OF THE LIBERTY PARTY

However the members of the Liberty Party may disagree with each other, as to its scope, and on the question, whether it should be regarded as a temporary, or a permanent party, all of them admit, that it was organized, with the distinct and full understanding, that its members were not to vote for persons belonging to proslavery parties - for slaveholders, or for those, who vote for slaveholders. In fact, it was the conviction, that persons sustaining proslavery relations, should not be voted for, which led to the organization of the Liberty Party. Not too much, then, is to say, that its members are under a solemn pledge to each other to vote in harmony with that conviction, in which the Party originated. But, in forming your famous Alliance with the Whig Party and Independent Democratic Party, you trampled this solemn pledge under foot. When, for the sake of securing the election to the Senate of the United States of a member of your own Party, you consented to vote for members of those other Parties, you were guilty of breaking faith with your associates in the Liberty Party, and of dealing treacherously with its vital and fundamental principles.

Mr. Colby belonged to the Whig Party. He had signified no purpose of quitting it, and no sorrow for his vote for Henry Cay. Without your help, he could not become Governor, and with it he could. He became Governor. You, also, made Mr. Hale of the Independent Democratic Party a Senator of the United States For that I would not judge you too harshly. You, perhaps, thought that he had embraced the principles of the Liberty Party. In confess that I though so, until I saw him go along with yourselves into the Alliance with the Whigs. I could, then, think so, no longer.

I pass on to the other thing, for which you owe repentance - viz., THE RUIN OF THE LIBERTY PARTY. I might have included this under the head of your breach of faith, since it was the direct consequence of it. It will, at least, be admitted, that your breach of faith was the original and, therefore, most responsible, cause the ruin of the Liberty Party.

The seeming and bewitching success of your Alliance went far to debauch the Liberty Party, and to turn it away from its sacred, stern, disinterested, regard for its principles, to follow the vulgar and corrupting attractions of numbers and victory. If, instead of that Alliance, you had fought and conquered, or fought and fallen, on Liberty Party principles, the influence of your pure and glorious example would have fortified whose principles throughout the whole extent of the Liberty Party, and made them invincible. But, as it was, there was scarcely a Liberty Party Newspaper in the land, that did not exult over, or at least, acquiesce in your betrayal of Liberty Party principles. Even the Emancipator fell so low, as to frame excuses for that betrayal: and to speak of your "Constitutional necessity" to cast proslavery votes: and to speak of it too, as if it were paramount to your moral and God-ordained necessity not to cast them. Had you been true to the principles of the Liberty Party, the Liberty Party of my own State and would not have been false to them on that occasion, when it listened to the seductive utterances of the Whigs, and was, thereby, made willing to choose proslavery men to frame a State Constitution. Of our sixteen thousand Liberty voices, scarcely three thousand abode by their principles on that painfully memorable occasion: - and this amazing defection, instead of being complained of by the Liberty Party Newspapers, was either winked at, or positively commended by the great majority of them.- The defection in this State occurred only a short time after the defection in yours. The defection in your State, though not fully developed until 1846, was, I suppose, agreed upon, and begun, ere the middle of 1845.

I have referred to the Emancipator. The leading editorial in the last No. Of that Paper refers to my "many wanderings" from the true course of the Liberty Party. It refers, also, to the doctrine formerly held by many Liberty men, in excuse for their "one idea party," that, in respect to the disposal of other political evils, "we could confide in the judgment and fidelity of those, who shall have acted faithfully in regard to this evil of slavery." I confess, that this was my own doctrine. But, when was it, that my heart, which loved the Liberty Party so well, as to hesitate at no sacrifice of time or money for it, first began to sink with the fear, that this Party would prove itself worthless, not only for every other good, but even to the antislavery cause itself? It was, when I saw the Emancipator, that most relied on standard bearer of the Liberty Party, coining its ingenious justifications for the New Hampshire Alliance. Then, began my "many

wanderings." And did not truth call for them? But, even, if it did not - and, even, if they were ever so guilty- is it not most ungracious, nay, most indecent, for the Emancipator, whose falseness to its trust first drove me to those "wanderings," to reproach me with them?

But, to return from this digression- the year 1847 found you continuing on in that departure from Liberty Party principles which you began in 1845 and 1846. You confederated with the Whig Party and the Independent Democratic Party to elect General Wilson to the Congress, notwithstanding you knew, that he was a member of the Whig Party; and that he had put forth great and unrepented-of efforts to get Henry Clay into the Presidency, and himself in a

command in the Mexican army. You, also, confederated with these parties to elect Mr. Tuck of the Independent Democratic Party to Congress; and you did what you could to induce the Liberty Party of the Nation to make Mr. Hale its candidate for the Presidency. Here again, let me remark, that the Liberty Party in general, its press being proof, has kept nearly equal pace with you in violating its principles. Probably, not one in ten of its Newspapers has remonstrated against the election of General Wilson and Mr. Tuck, or against the nomination of Mr. Hale.

I was a member of the Convention which put Mr. Hale in nomination. I did not vote for him. I voted for William Goodell- a man, whom, above all others, I should love to see President of the United States, since I know no other man, who has so just, so comprehensive, and so christian a perception, as he, of the true and Heaven-intended uses of Civil Government. The Scriptures inform us of "a poor wise man," who saved the city. And is it too much to hope, that if "poor wise man," William Goodell, were made the Chief Magistrate of this Nation, he would, under God, save it?

I say, that I did not vote for Mr. Hale. It was, however, from no light esteem of his mental powers. Nor was it from any objections to his deportment in private life. That he is both an amiable and an intellectual gentleman I had no doubt. Nor did I doubt, that he was opposed to slavery and to the Mexican war. I at that time, supposed him capable of uttering the just and exalted sentiments against both, which he has since uttered.

I declined to vote for Mr. Hale for the sufficient reason, that, whatever respect might be due from the Liberty Party, it was quite too much to admit a stranger into the very sanctuary of their confidence; - quite too much to make a man of another name and another creed their

Presidential candidate. It is not only another Party, to which Mr. Hale belongs:- but it is a Party, which, so far as I then knew, or now know, is characterized by not a single one of the distinctive doctrines of the Liberty Party. I have never heard, that "the equal rights of all men" is the creed of the Independent Democratic Party. I have never heard, that its creed forbids voting for proslavery men. If it does forbid it, then Mr. Hale would not have voted for Governor Colby. If it does forbid it, then Mr. Tuck's first vote in the present Congress would not have been for General Wilson for Speaker - an office, scarcely less influential than the President's; and his second vote would not have been for a slaveholder for Clerk. Nor have I ever heard, that the Independent Democrats regard slavery as unconstitutional. Indeed, the fact, that Mr. Hale does not so regard it, was obviously, the reason, why the Convention, which nominated him, rejected the Resolution, affirming its unconstitutionality. I express a candid, if not a sound opinion, when I say, that, had the Convention been about to put a Liberty Party man, instead of Mr. Hale, in nomination, it would have adopted, by a vote of more than ten to one, this Resolution, which it rejected. For the last two or three years, the conviction has been general- almost universal in the Liberty Party - that slavery is unconstitutional. Nine tenths of its members, who, during this period, have written and spoken on this subject, have taken this ground. But the Convention, which nominated Mr. Hale, adapted its sentiments in this, as well as in some other respects, to its candidate. How mortifying, how unexpected, is such a policy, at the hands of Liberty men! A year ago, the Annual meeting of the Liberty Party of Massachusetts insisted, strenuously, on the unconstitutionality of slavery. But its recent Annual Meeting resolves, that to concern itself with this subject is "a waste of time!" The simple explanation of this shameless conduct of the Massachusetts Liberty Party is that it had, in the mean time, gone out of the Liberty Party for a Presidential candidate- had taken up, for such candidate, a man, who denies that slavery is unconstitutional- and that, in order to get for him then tens of thousands of Whig and Democratic votes on which it is foolishly and madly calculating, it felt the necessity of recalling, or concealing, such "fanatical" Liberty party doctrines, as the unconstitutionality of slavery.

Mr. Hale's late speeches and communications show, that he does not admit slavery to be unconstitutional.

Alas, what a successful temptation to abandon Liberty Party principles has the nomination of Mr. Hale proved to be! Scarcely a Liberty Party Newspaper, that now says a word against the Constitutionality of slavery! Look, for an illustration of editorial apostacy, to poor Wesley Bailey, Editor of the Liberty Press of Utica. Until the nomination of Mr. Hale, no Paper was more decided, than his, against the Constitutionality of slavery: and, only, the very month before that, in which Mr. Hale was nominated, he advocated, in two State

antislavery meetings, the passage of that very same Resolution, whose rejection by the Buffalo Convention we have spoken of. Since Mr. Hale's nomination, Mr. Bailey's Paper has given no more evidence of his opposition to the doctrine of Constitutionality of slavery than it would have done, had John C. Calhoun or James K. Polk been its editor. I should think, that as an editor, be he Wesley Bailey, or some other of the no less delinquent Liberty Party editors, who can eat his own words, and betray the slave, on a point so vital, would, out of very self-disgust, try to spit in his own face.

But, to return to our examination of the creed of the Independent Democratic Party. I had no satisfactory evidence, at the time the Buffalo Convention put Mr. Hale in nomination, that the Independent Democrats are abolitionists. I am now convinced, that they are not: - that they are but opposed to the extension of slavery; - mere Wilmot proviso-men - and nothing more.

Mr. Hale has, recently, expressed himself on the floor of the Senate, as follows:

"Permit me to say to the Honorable Senator (Mr. Butler of South Carolina,) in all kindness, and with no disposition to be offensive, that he entirely misstates and misapprehends the character of that portion of the American People, whom I am supposed to represent on this subject. Once, for all, let me say, that we desire no interference with, nor disturbance of, the existing institutions of the States. If this institution of which you speak, be a blessing, bless yourselves with it: if it be a curse, stagger under it, as you may: but let us remain free from it - let us alone. It is all we desire - all that we ask."

Now, I do not understand Mr. Hale to mean by this language, that, as a man, he feels no concern for the three millions of his enslaved countrymen. To impute such indifference to him is uncharitable, unjust. But, I do understand him to mean by this language (,for this is the only other construction, which can be put upon it,) that as a member of the Independent Democratic Party - that, as a political man - he has nothing to do with the wrongs of those millions - that as such, he is but opposed to the extension of slavery. His nomination at the hands of the Liberty Party, as well as the Independent Democratic Party, is but opposed to the extension of slavery. His nomination at the hands of the Liberty Party may have deluded him into this belief. Nevertheless, every true Liberty Party man scouts the idea, that his Party was organized for the tame and worthless purpose of preventing the extension of slavery; or for any lower purpose than that of uprooting and scattering the whole system of American slavery.

Again - another evidence, that the Independent Democrats are not abolitionists, is to be seen in the fact, that neither he, nor Mr. Tuck, has moved for the abolition of slavery, either in the District of Columbia, or any where else. An abolitionist is one, who is in favor of abolishing slavery, and who works for its abolition. An antislavery person is one, who may be opposed to slavery. Mr. Hale has, indeed, presented the Petitions of others for the abolition of slavery. Even this, however, he did with apologies, and with disclaimers of the purpose to waste time, or disturb the temper, of the Senate: Had he felt, in his inmost soul, the justice of the cause entrusted to him, he would have been as free from apologies and disclaimers, as was Martin Luther at Worms, or Ethan Allen at Ticonderoga. The cap of justice is always upon her head - never in her hand: - and there are no circumstances, in which she owes to her foes any apologies, or any demonstrations of bashfulness,

Alas, that the Liberty Party, which, ere it fell under the control of men of policy, would admit no plea whatever for slavery - not even its Constitutionality; and which sent messages to the slaves, exhorting them to regard the laws, by which they are bound, as but laws of pirates; and to take, without leave, the horses or boats of their oppressors to help themselves out of slavery; - alas, that such a Party should, so soon, have come to such a pass of degeneracy, as to turn its back upon its own whole-hearted and outspoken representatives of its righteous and characteristic principles, to choose for its champion and mouthpiece, one, who disdains membership in it, and has no sympathy with its doctrines; - and to choose him too for the very reason, that being destitute of such sympathy, and being a man of neutralities, negations, and apologies, in the antislavery cause, he may get the votes of thousands, who will not give their voices to a positive and known abolitionist!

I said, that I did not vote for Mr. Hale's nomination. I add, that I cannot vote for his election. I cannot do so, because I can have no part in killing the Liberty Party; and the vote of every true Liberty Party man for Mr. Hale is a stab in its vitals. Let those vote for Mr. Hale, who are weary of, or have never acknowledged the stringent principles of the Liberty Party. I should rejoice to see all the Whigs and Democrats in the Nation vote for him, or Mr. Palfrey, or Mr. Giddings. But if I am correct in my facts concerning Mr. Hale, then, nor I, nor any other man, who credits these facts, can without gross dishonesty, vote for Mr. Hale, and yet claim to be a member of the Liberty Party - of such a Liberty Party as I have described.

I said, that I am no willing to quit the Liberty Party. I do not forget, that many accuse me of having already forsaken it:- and I do not

forget, that many say, that I deserve to be expelled from it. Even, my old friend, Alvan Stewart, recommends, that persons like myself, be violently thrust out - be actually mobbed out- of Liberty Party Meetings: - and there are Liberty Party Papers shameless enough to print this recommendation, and Liberty Party men shameless enough to express their delight in it. And, what is my offence? It is, that, for the last two or three years, I have urged the Liberty Party to regard itself as a permanent Party, and apply its principle of "the equal rights of all men" in every direction - in the direction of the poor white man, as well as the poor black man; - for the overthrow of tariffs and land-monopolies, as well as of slavery. It is not claimed that I have advised the relaxation of any of the duties of the Liberty Party, or the slightest breach upon its antislavery character: - and every one, who knows me, knows, that I would sooner lose my hand than suffer it to deposite a vote for a proslavery man. Nevertheless, I am to be denied the appellation of a Liberty Party man@ - and, this too, whilst Alvan Stewart, and Wesley Bailey, and Silas Hawley, &c. &c. , whose eagerness, only two short years ago, to vote for proslavery men neither reason nor religion could restrain, are to be acknowledged as sound Liberty Party men! But, never mind. A little more time will set this matter right. Such monstrous injustice - such a gross absurdity - cannot be long-lived.

What I said against voting for Mr. Hale should have been immediately followed by one or two things more on that subject. But it is not too late to mention them.

On seeing the proslavery votes of Mr. Tuck, at the beginning of the present Session of Congress, I was forcibly reminded of the ingenious argument, which was used in the Buffalo Convention to nominate Mr. Hale. "Mr. Hale," said his advocates, "is of the same party, and therefore, of the same political principles, with Mr. Tuck: and that Mr. Tuck is worthy of the confidence of Liberty Party men, and is, indeed, an actual Liberty Party man, is evidence from the fact, that the Liberty Party of New Hampshire made him one of its Delegates to this Convention -ay, and (,as it was emphatically added,) the Chairman of its Delegates." Mr. Tuck did not attend the Convention. Perhaps, it was not expected that he should. Perhaps, the only purpose in appointing him was to make room for the ingenious argument I have referred to.

On my way home from the Buffalo Convention, Austin Wiley of Maine and Hiram Cummings of Massachusetts made use of this same ingenious argument to reconcile me to the nomination of Mr. Hale. Will those esteemed friends permit me to ask them, whether they would now, have me vote for Mr. Hale, because he is like Mr. Tuck? And will they also permit me to ask them, whether they can themselves be true Liberty Party

men, and yet vote for Mr. Hale, provided he is like Mr. Tuck?

I said, that the Liberty Party is ruined. It is, however, not irretrievably ruined. It will recover itself, and be all the stronger for the painful experience, which its erring members have brought upon it. But, what it lacks, that it may, immediately, be itself again -ay, and very much more than itself- is, that these erring members do, immediately, repent. And with whom can the repentance begin so promptly, and so effectually, as with yourselves, who led the way in the mischief, which is to be repented of? Come, then, gentlemen, and divorce yourselves, forever, from your Colbys and Wilsons, and Tucks and Hales, and return to the Liberty Party, and re-espouse its principles, and resume your fellowship with the men, who have ever faithfully represented its principles. These principles, are, still, as precious, as you yourselves esteemed them to be, ere you yielded to the temptation to betray them. To refuse to vote for proslavery men is, still, notwithstanding your distrust of it, the most effectual way to make slavery infamous, and slaveholders sick of it. And, let me add my testimony in behalf of the continued preciousness of the principles of the Liberty Party, that its tried and never-found-wanting men - its Birneys and Goodells and Greens- are still as worthy of your confidence, as you yourselves thought them to be, before you turned your backs upon them, to run after men, whose merit is, that you can hope to elect them.

Doubtless, your taste of ballot-box victories in 1846, created in you an increased relish and hankering for other such victories: - and this will make you the more reluctant to retrace your steps. But, even, if you mean to persist in worshiping King Numbers, you will find it to your advantage to get upon the Liberty Party track again. Up to the time, when you quit it, there was no State in the Union, which promised so well for the slave, as did yours. Had you no quit it, the Independent Democrats and multitudes of the Whigs and Democrats would, ere this, have been attracted to you. Your folly in going down to their level was no less than would be that of the Temperance man, who, when he had induced his drunken neighbor to give up rum and brandy, should go down from the ground of total abstinence to meet half-way his half-reformed neighbor, and drink wine and beer with him. The subsequent falling off in your numbers has taught you, that, in parting with your principles in 1846, you parted with your power to command new votes, and lost the confidence of may, whose votes you had hitherto had. Among those, who are laboring in your State to promote the cause of the Alliance and the election of Mr. Hale is Elder Benjamin Shaw. It did not at all surprise me to find, that, in a report, which, some two months ago, he made of his labors, he uses the following language:

"In one town three of the most prominent abolitionists staid away from my lecture. They are disaffected, on account of our men going for Colby for Governor and Wilson for Congress, and siding and bargaining with the Whigs: - and a large number, who used to vote with us, have gone back for the same reasons; so that I fear we shall lose much more by the Alliance in the long run, than we have gained. Let Massachusetts and other States take warning by this. It is the very policy, that ruined the antimasonic party, and the policy that the Whigs urged in the National Election, and entirely contrary to the first principles of the Liberty Party. Neither Party will make such bargains, unless they are in a hopeless minority: and if we will be foolish enough to hold the ladder for them to climb up, they will haul up the ladder after them, and we may get up, as we can."

I said, that it did not, at all, surprise me to find my old friend Shaw using this language. Nor did it, at all, surprise me, that you were defeated in the State Election, a year ago. Nor does it at all surprise me, that you are defeated in your State Election, the present week- and, that too, by a majority three times as great, as the majority against you, last year. Nor will it, at all surprise me to find Mr. Hale's vote, next Fall, but one half as large, as was Mr. Birney's, at the last Presidential Election. Mr. Hale is too worthy a man, and too nearly an abolitionist, to get the votes of Wilmot proviso-men:- and why should he, who holds no one of the principles, which distinguished the Liberty Party, gets the votes of half of the members, or of even one of the members of the Party?

Much is said of the "New Hampshire revolution". In that very eloquent speech, but for which the Buffalo Convention could, hardly, have been wrought up to the unprincipled and suicidal policy of going beyond the limits of the Liberty Party and its principles for a Presidential Candidate- in that very effective speech, Mr. Henry B. Stanton sid, amid thunders of applause: : "Thomas Morris went home from Congress to do nothing; - and John P. Hake went home from Congress to revolutionize New Hampshire!" But New Hampshire has not been revolutionized. The game was tricked out of the hands of the Democratic Party: and that Party has been, ever since, successfully revenging itself upon the prostrate Alliance.

But, I must close this too extended communication. Think no, that it has been prompted by no more than a recently sprung-up-feeling. Your first treason to Liberty Party principles and the nearly simultaneous one in this State has been, ever since, among my deepest griefs. They and the Liberty Party indorsement of them constitute the reason, in my public letter of August 6th, 1846, for refusing to attend Liberty Party Meetings. In closing this communication, in which, because I respect and love you, I have dealt plainly and faithfully with you, I, again, call you to repentance. How happy, if the call should not be in vain;

and if, among the fruits of your repentance, you should, forthwith, cast away your spurious, mongrel, Liberty Party, and reconstruct a true Liberty Party, a Party, which will sooner perish than vote for a proslavery man - and a Party, too, which will practically recognize the doctrine of the equal rights of all men; and devote itself, not only to the cause of personal freedom, bu to the cause of peace, free-trade, free-soil, and, in a word, to the fulfillment of all political righteousness! Come, gentlemen, and rally such a Party, without delay: and let us see its representatives at the National Liberty Party Convention which is to be held in Buffalo, the 14th and 15th days of next June, for the purpose of nominating candidates for President and Vice President, and of setting forth the principles of a true Civil Government and a true Liberty Party.

Very respectfully,

Your friend,

GERRIT SMITH

Boston July 3, 1848

Gerrit Smith, Esq.

Dear Sir:

For the last three months I have been obliged to lay aside my argument entirely and devote myself to other labor as a means of living. But now I think the people are proving on what I have long believed - that the hearts are right, and that they are disposed to do any thing which they have a constitutional right to do, for the abolition of slavery. If they thus break away from all party ties, and make such exertions for a more W_____ proviso, what will they not do if it can be shown that they have the right to abolish slavery itself? Under these circumstances I feel the greatest anxiety to complete my argument. If it be finished, I think it will be in demand after the election is over - for the people having carried out point will be eager to know what more there is that they have to do. This demonstration of the popular feeling will also compel the government to give attention to

the constitutional question; if it shall be presented to them. And it will then be of vast importance that the argument be ready, and be as complete as possible.

In your letter of March 17th, you said- "as to the hundred dollars, I lent you, give yourself no concern about it, if you are defeated of getting the means to pay it."

From this remark I have inferred that you would probably be willing to give up your mortgage on my copyright retaining the note, which however I fear will not then be worth much if I could use the copyright as a means of raising money to go on with my argument. I do not know that I could this use there- but I have thought it possible, and would like to try.

I have less hesitation in asking this favor of you, because if the argument is to be dropped in its present imperfect state, it is quite uncertain whether it will sell much more, and whether it will sell much more, and whether the mortgage, can ever be worth much to you. There have been no sales, of any importance for six months. But if the argument could be completed, the sale would probably be renewed, and these copyrights be made worth enough to repay what I need to enable me to complete it.

Such being the case, I have thought you would rather I should use the copyrights, if I can, to get the means of completing the argument, and thus make sure of their doing some good, than to have them remain as they are, with no certainty of their ever being of much value to anybody.

I should not, however, have suggested the idea of your giving them up, if I had any other means of going on with the work. Where I have the mortgage I supposed I should find means to get out the remainder of the argument and that the mortgage would be good security to you.

If you feel willing to comply with this suggestion, please inclose me an order on Mr. Sewall for all the papers except the note. If you prefer not to do it, please excuse me for mentioning the matter.

Very Respectfully, Your Obt. Servt. Lysander Spooner