

Winchendon Jan 30, 1847

Dear Bradburn,

Your letter of the 6th was not recorded until the 21st, which accounts, in part, for the date of this.

I am glad to hear you are so comfortably situated and only wish that you had something to do. There is so much to be done in this world, that it seems wrong that any one who is able and willing to work should have no opportunity. I wish you were in the legislature. Cushing wants training—and it needs some one to bring forward and carry through some bold measures. Did you see Brigg's message. He conceded the constitutionality of slavery, and yet says, "So carefully was the Constitution formed that when that event "the final extinction of the institution" should take place, not one word phrase of it would require to be altered, and no expression in it would give notice to posterity such that an institution had ever existed."

Is not that an admission worth something to those who claim that slavery is unconstitutional?

I have not been at Athol since I wrote you last. Shall probably go there ere[?] long when I shall be happy to fulfill some of your commissions, such as giving love to the Dr and wife and Mrs. Sargeant, if she should be there. But as for "kissing dear Jane for you," it is what I would hardly wish to do for myself. She was never a particular favorite of mine. I heard a few weeks ago that Mrs. Sargeant was at Genl[?] Wilson's (Jim's) Keane [?] M.K. taking pictures. There may be some mistake about it but if it be true, she has probably got introduced to a circle in that town that will give her employment for some months.

I certainly would not have you send that extract to Chase, unless you should think it best. It is nothing that I am strenuous about although I highly estimate the importance of his opinion.

I am glad to hear that Wade admits my argument. I suppose he is the same man whom I used to see in the Legislature (the Senate) at Columbus when I was there. I think he was formerly a law partner at Giddings.

I should like much to see Roger's argument on the constitution. I hope you have preserved it, so that when we meet, I can see it.

I saw the second and third numbers of Goodell's[?] reply to Phillips. But I did not see Phillip's second article in review of Goodell.

Dr. Bailey, as you of course saw, came out with a declaration of "state-rights" doctrines, in his introductory acknowledging that the states had a constitutional right to slaves. How provoking and almost inpardonable[?] that an abolitionist should take up and avow a doctrine so absurd, apparently invested for no other purpose than to sustain slavery. To say it rests with the state governments to determine who shall be a man or citizen, and who a thing, in the view of the United States constitution, is equivalent to saying that it rests with the state governments to determine say whether the constitution and laws of the United States shall operate upon men, or only upon empty air. Can anything be more ridiculous? Had I been at Boston, I think I would have Chronotyped[?] such an absurdity. I wish you would do it. The abolitionists had better beware what admissions they make in order to keep on the gracious side of the slaveholders, lest these admissions should be thrown in their face hereafter. I would not intimate however that Bailey is not honest.

I have come on finely with my writing for the last two months. I have the second and third parts of my "poverty" substantially completed. Shall I find a publisher? Would that my argument on Slavery might sell as you and some others think it might, I should then have no difficulty in getting my other books published.

Dear Bradburn, I am impatient at the time, cowardly, driveling, trickling course pursued by the abolitionists. If they have the constitution in their hands, why in heaven's name do they not out with it, and use it? Why spend their breath in talking to women and children about the churches and the clergy? It seems to me they must be, almost covetous of the contempt and derision[?] of the slaveholders, to be seen ~~so laboriously picking up straws to hurle at slavery~~ occupied in such small operations. If the course itself were not omnipotent, such farcical conduct, in the part of its friends, would kill it. ~~As mere politicians too they are fools to be willing thus to work against the whole cement of legal opinion, when they have it in their power to turn that current in their favor a current that would swap away slavery like a drift wood for the courts cannot stand against the truth and the opinions of the bar.~~

I propose to you a new movement. You have leisure for it. It will cost you only the writing of a few short articles in the Cleveland American—and (if the doctrines of my book are sound) it will advance the course by a whole generation. It will bring it to a head! And that quickly. The project is embodied in the inclosed [sic] article—which, or any one that suits you better, you may, if you see fit, get inserted in the American.

Insert the remainder of the letter on the last page commencing with, "I suggest."

To be copied if used. "To Abolitionists"

The Albany Patriot, speaking of Spooner's argument on the unconstitutionality of slavery, says, "If every lawyer in the country would have it put into his hands, and be induced to study it as he does his brief, it would alone overthrow slavery."

We think so too; and we say let it be done. The times are ripe for a direct move upon the essay's [?] case [?]. Let it be made.

Ten thousand dollars would do it. Twice this is extended any year by abolitionists for objects of trivial importance to the cause in concessions [?] with this. We can raise this sum in three months, if we put our hands heartily together. Let it then be done.

Let this argument be presented to all the judges, lawyers, and editors of the country, and we predict it will not be five years before slavery would be declared unconstitutional by the highest court in the land, for the court cannot stand against the truth, and the opinions of the bar.

To insure its being carefully read by those who should receive it, a prefatory [?] note should be printed in each copy, inviting the person to whom it was sent, to read it, ~~(review it, refute it)~~ and informing him that a similar copy was to be sent to all the other judges, lawyers, and editors in the country, with a view of correcting, calling out, and giving effect to the constitutional opinions of the country.

This would be meeting the slaveholders manfully on their own ground. We could never afterwards be accused of designing to evade the constitution. It would distinctly present "a plan" for the peaceful and constitutional abolition of slavery, viz, by judicial decision. It would introduce the question to the bar everywhere, to the courts, the political press of all parties, and to the halls of legislation. It would excite an interest in the question among the people at large. It would give northern politicians ground to stand on, and backers to sustain them. It would promote the splitting process now going on in the old parties. It would raise up legal advocates on every side. It would encourage and compel the courts to abolish slavery.

It would divide the slaveholders against, and make them destroy each other; for the moment the question should come to be seriously entertained and discussed in the country; those slaveholders, (and they are certainly very numerous, perhaps the majority), who are in debt for their slaves, would be compelled to bring the question into their own courts, to avoid paying for property that might be adjudged not theirs. Thus the slave interest would be divided against itself—a division worth many times more to the cause of emancipation (for the next ten years, at least, than all the present influences and power of the north. The value of slave property would

be struck down in the market by the same cause. Slave breeding [?] would be discouraged, and the slavebreeding status inclined more to emancipation. The non-slaveholders at the south, would not have ground to stand on more valid and substantial in the eyes of the slaveholders, than any they now have.

Abolitionists would no longer be compelled to work against the current of legal opinion in the country; they would have that current in their favor—a current that is, in its very nature, irresistible. They would no longer be compelled to waste their strength in picking up straws to hurl at slavery, they would march in strength into citadel, and summon a surrender. In five years, we repeat it, slavery would be declared unconstitutional.

We said this distribution of the argument could be accomplished at a cost of \$10,000. Let us see. The cheap edition can be bought, by the quantity, at fifteen cents each. The postage will be but six cents each—making twenty-one cents. But as many of the lawyers live in the cities and large towns, where the copies can be distributed free of postage, we may safely conclude that twenty cents a copy will cover every possible expense attending the distribution at this rate, \$10,000 would distribute fifty thousand copies. Probably that number will give a copy to every judge, lawyer, and editor in the country.

We need not wait for the whole \$10,000 to be raised before we commence the distribution. That should be commenced at once forward as fast as the money is raised.

Let this work but be commenced in earnest and it will be very speedily be accomplished. The abolitionists, in each free state, should first supply their own state, and then take each of them a slave state. The state committee should be the agency[?] for doing it. But every editor, every committee man who feels the importance of this question, should act as a committee to solicit contributions. We ourselves have determined to open at once a subscription to "the Constitutional Fund," and we invite contributions. All contributions received will be acknowledged in our paper. We invite all the other editors engaged in this cause to adopt the same plan, and to urge the matter upon the people, until the object be accomplished.

Any surplus funds, that may be raised, (and surplus funds should be raised) should be appropriated to the expense of carrying the questions to the highest court, and of continuing to carry it

there until a decision is gained for liberty.

We intend to keep this call standing in our column until the \$10,000 is raised. Who of our brother editors will not do likewise?

(Insert the following before the proceeding article.)

I suggest this project to you for your consideration—and for you to adopt and carry out your own responsibility (without naming me in the matter), or to reject, as you see best—not wishing or expecting you to be governed by any personal feelings towards me. If you like the plan, perhaps you will not like the article. If you do not like it, write another yourself. If you do like it, copy it, and get it published first as the leading editorial in the American, and afterward keep it standing in the paper for a few weeks. In the meantime, follow it up weekly by a spirited article, from your own pen, or that of the editor, and in a few weeks you will see whether it will succeed. I think it will but if it should not now it will awaken interest in the question and pave the way for its success hereafter.

I chose not to be named in the matter not because I think there is anything improper in my advocating the measure, but because some might think I was somewhat “overstepping the modesty”—but I am sure there can be no impropriety in my suggesting the subject to you for you to exercise your own judgment and inclination upon it. If you proceed with the matter, send me a copy of the papers containing the several articles—and please send a copy to Gerrit Smith. I think he would give \$500, if it should be necessary. If you think best not to use the article, trim it, if you use it, copy it. I trust you will write soon—direct to Athol. Give my respects to Gorden—

Yours truly,

L. Spooner

_____ has resigned his seat in the Legislature, I see.