

New York. Dec 28, 1853

Lysander Spooner Esq.

Dear Sir,

I have just read your of [?]24<sup>th</sup>/27<sup>th</sup>[?] and have read it with no little surprise. I had not the slightest idea of trespassing upon your Copy Rights or doing you the slightest injury. On the other hand, I was flattering myself that I should be instrumental in bringing your works into more general notice and demand, by an occasional reference to them, with a brief extract, giving credit for the same. [?]And[?] I had intended, when I should come directly to the subject of the Constitution,\* to make a Note, containing an extended commendation to your book, and urging its general circulation through the country, not only among lawyers but among the people generally, who, I am persuaded, would read and appreciate it, to a greater extent than you and your publishers are aware of, if it were properly introduced among them, and put at the ordinary price of anti-slavery works. Had it not been for the merging of the Liberty Party in the Free Soil Party, there would have been a demand for 100.000 copies of your work before now. There are some favorable symptoms of a rally among the free Democracy, for a higher ground. My articles in the National Era are designed to call attention to the subject, and when the subject of inquiry is sufficiently roused, you may sell almost any amount of your work. But it cannot be done, otherwise. Depend \_\_\_\_\_ it when the 50.000 readers of the National Era shall have got their minds fixed on the subject they will enquire after your book. It is true, I have thoughts of putting my letters into a book, but if I should it would only pioneer the way for yours as my pamphlet in 1844 made demand for yours in 1845. My mode of writing and thinking is so different from yours that there can be no danger that my books would be a substitute for yours and more than yours can for mine. I can truly say that I have (both now and hereafter) quoted your books with a view to helping its circulation, and also to avoid the seeming egotism of quoting from my own ~~book~~ work, which has \_\_\_\_\_ before yours; when it would have answered my argument equally well, only I should seem to be quoting myself, as an authority, instead of another person.

This fact is confirmed by my forbearing to publish a third edition of my Constitutional Argument, though 13.000 copies of it were sold rapidly, and the demand continued, and I have been and still am, very frequently advised to re-publish it, but I thought it would be better to let your pamphlet answer for mine, which it

so nearly resembles, and add variety to the argument by giving it a historical turn, and embracing many new facts and thoughts not contained either in your work or mine.

I have never read Curtiss on Copy Rights, and I know not where I can borrow it. Perhaps I can find a copy. But I trust you will, on reflection, be satisfied that my course will help and not injure your work.

I have in MSS about my letters for the National Era, bringing the legal history of Slavery down to the present time, and quoting Senator \_\_\_\_\_ Concessions etc. I intend next to come to the Constitution then to the powers & duties of the Federal Government & Citizens (voters) in many respects different from anything that has been written. It would be easy for me to omit the few quotations I have made from you as well as the quotations references I have made to your book for additional information and arguments not spread out by myself. All or nearly all the matter I need is historical & was obtained mostly by me from [?]Sticart's[?] Life of Granville Sharp, Clarkson's History, Etc. I could confine myself to these and ignore your work entirely, but I should have thought it uncourteous to do so.

You say you "have no right to object to (my) writing on the subject at please, provided (I) do not use ideas borrowed from (you)." I am not conscious of having done this, except where, in a very few instances, I have said, "Lysander Spooner suggests" or "Mr. Spooner says" thus and so, making a brief extract. If you prefer I should not do this, I will leave out everything of the kind. But I think you would be the loser by it.

I can easily carry out my plan by using very little, if anything not contained in my pamphlet of 1844, (prior to yours) together with the facts contained in the two books before mentioned, and newspaper articles that have appeared wince you wrote. All I want by way of your book is by way Confirmation, referring to you as undoubted authority. But I can spare this, if you wish.

If you will take up my pamphlet of 1844, and compare it with the plan and scope of my present letters in the Era, I think you will see the foundation of what I am now saying. And then again if you will compare, carefully my pamphlet with yours that followed so soon after, you will see that, notwithstanding our very different mode of writing, there is a most remarkable coincidence between them, not only in their facts, but in their "ideas." This was very generally \_\_\_\_\_ of the time. But I have decided marks of originality in your works, as you, doubtless, do in mine, and will, in what I am now writing for the Era. I easily concluded that you had seen the same facts that I had seen and that your mind had drawn from them the same inferences that I did, so I

welcomed you to the ranks of the writers on the Unconstitutionality of Slavery (of which neither you nor I were the first) and in the paper for which I was contributing, I wrote a complimentary notice of your work. My copy of your first edition is now before me, sent me by yourself marked "William Goodell Esq. With respects of Lysander Spooner" in your own handwriting, which sufficiently assured me that my works had not been unread nor unappreciated by you. I allude to this to show that the rule of - \_\_\_\_\_ "using ideas" or facts that had been previously used by another must not be too rigidly pushed between friends and fellow laborers lest they should unreasonably cripple and mar each others labors. Very sorry should I be to have Lysander Spooner emasculate his first pamphlet on the Unconstitutionality of Slavery by leaving out all the "ideas" and facts previously published William Goodell. Still more sorry should I be to ask or require Lysander Spooner to do it. I will not believe that he will ask me to mar my works in that way. I cannot doubt that you intent to so right, and being conscious of the same intention myself, I shall be slow to believe \_\_\_\_\_ can be any contention between us. I wish you would come and sit down with me, in a friendly way, and talk over the subject, and look over my MSS, and see which portions of the you would wish to have omitted or altered. If I were able, or were "keeping house" here, I would invite you here at my own expense for the purpose, and for general consultation on our works, and the cause. I wish at all events, you would specify what, in my five private letters, you deem objectionable. Please let me hear from you further.

Wm. Goodell

\*While discussing the "Legal Tenure" of slaver, the mention of your book by its title, might prejudice some who would afterwards be prepared for it.