

THE VOICE OF FREEDOM.

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THE VOICE OF FREEDOM.

From the Emancipator.
Correspondence at Home.
New York, December 8th, 1839.

JAMES G. BIRNEY, Esq.:

My Dear Friend.—As this is the anniversary of the formation of the American Anti-Slavery Society, my thoughts are naturally turned to the proceedings of the Convention that adopted the Constitution, and sent forth the Declaration in 1833; and I have reflected more, at this time, on those important documents, than heretofore, as measures are in agitation which, in my humble opinion, are diametrically opposed to their principles. Permit me, then, to state wherein I conceive the errors of those brethren, who are striving to form an abolition political party, appear to contravene the Constitution of our Society, and the Declaration of the Convention, and to request that you will, if you deem the matter of sufficient importance, make such a reply as you think will present the other, and I may say, your side of the question. If wrong, I wish to be set right, and doubt not there are many persons desirous of being established in the truth on this subject, who, with me, believe that you will give due weight to the arguments of those who differ with you, and reply in a manner worthy of the importance of the matter under consideration.

It has been proposed, as you know, by some prominent abolitionists, that the American Anti-Slavery Society should nominate candidates for the offices of President and Vice President of the United States, and since the Society declined doing it at their recent meeting at Cleveland, Ohio, a Convention of abolitionists, in this State, have proceeded to nominate two persons for those high offices, one of them being an officer of the parent institution, and the other President of a State Society. Several members of the Society, including the editors of leading anti-slavery papers, are strenuously advocating the formation of a distinct political party, while others, who have not yet unfurled the banner, have too hastily, I think, conceded that it is impossible to prevent the adoption of such a measure.

Some members of the Society are urgent that it should organize a new political party, while others, doubting the propriety of such a step, recommend that abolitionists throughout the country organize themselves into a distinct or third political party, not as members of Anti-Slavery Societies, but as abolitionists or friends of human rights. At least this may fairly be deduced from the essays and other acts that have been put forth by the advocates of a distinct abolition political party. I do not see, I confess, any essential difference in the principles of these modes of action, as they both seem to tend to the same result, the one appearing to be a palpable violation of the Constitution of the American Anti-Slavery Society, and the other an evasion of its virtual prohibitions. In this letter I will restrict myself to the supposed direct violation of the Constitution, especially as I have ventured recently to publish some reasons against the direct infraction of that instrument by the course pursued by many members of our Society, and the expediency of forming a third political party.

It is not denied that political as well as moral action was contemplated at the formation of the American Anti-Slavery Society, but I apprehend that the whole political and moral action intended, is comprehended in the following terms—warning, appeal, petition, remonstrance, argument, prayer; and that all the measures in view of the framers of the Constitution are included in what has been, from the beginning of this benevolent enterprise, termed MORAL SUASION. I expect, of course, the privilege of voting, a right existing prior to the formation of our Society. Abolitionists did not disfranchise themselves by associating to overthrow slavery by moral means, although they virtually agreed, in their constitution, to act as a moral and not a political association. All the rights that exist to use political action, as a society, is derived from their constitution. Under the prior right, therefore, and the provisions of their constitution, a large portion of the members of the Anti-Slavery Society, in addition to other measures, have petitioned Congress, and State Legislatures, and many of them have been favorable to voting irrespective of party, and only for those who are in favor of the great principle of immediate emancipation. Abolitionists, generally, have expressed a desire to do "all that is lawfully" in their power, to use the language of the constitution, not inconsistent with the above terms, or the recognized principles of the charter of our association. But the political action originally contemplated by the abolitionists, in their associated capacity, or authorized by the constitution, does not, in my view, include or allow a distinct political organization, as I will now attempt to prove.

In the preamble to the constitution is the following clause—"and whereas we believe that it is practicable, by appeals to the conscience, hearts, and interests of the people, to awaken a public sentiment throughout the nation,—and in the constitution itself is this passage—"it shall aim to convince all our fellow-citizens by arguments addressed to their understandings and consciences, &c." In the Declaration put forth by the Convention that adopted the constitution, the intentions of the founders thereof, are expressed in the following language—"We shall organize Anti-Slavery Societies—we shall send forth agents to lift up the voice of remonstrance, of warning, of entreaty, and rebuke—we shall circulate anti-slavery tracts and periodicals—we shall enlist the labor of freemen—we shall spare no exertions nor means to bring the whole nation to speedy repentance." And it was solemnly and emphatically added—"OUR TRUST FOR VICTORY IS SOLELY IN GOD."

It would seem that the principles of the Constitution, and the *modus operandi*, were clearly and fully expressed in these quotations, and that any action, not obviously and fairly comprehended in the instrument, is unconstitutional. But it is said by some that by the constitution the members of the Society are obligated to do "all

that is lawfully" in their power for the abolition of slavery, as if, instead of using the measures specified in the Constitution and Declaration to the extent permitted by the laws of the country, they were authorized by those instruments to do every act, for the attainment of the objects of the society, not forbidden by the laws of the land. A learned ecclesiastical doctor, who professes to be an abolitionist, reasoning in a similar way, stated, just before the last meeting of the General Assembly, (N. S.) that that body had cognizance of all ecclesiastical matters not expressly forbidden by the Presbyterian book of discipline. The old doctrine was, that all powers not expressly delegated were reserved, and it is apprehended that a benevolent or religious society, having a written constitution, cannot, any more than a civil government, transcend the power granted. If, however, any ambiguity exists, as to the interpretation of a written constitution, the common way of ascertaining the meaning, and the views and intentions of the framers, is to inquire into their contemporaneous and subsequent acts. In this way the right interpretations of clauses in the Constitution of the United States have been determined. The Constitution of the American Anti-Slavery Society, therefore, may be interpreted, without difficulty, by the light thrown upon it by the Declaration, which was almost simultaneously adopted; by the resolutions and reports adopted at various annual and other meetings, disclaiming separate political organization; and by the undisputed import of the Constitution as understood, till recently, by the great body of our fellow members.

It has been said that the resolution adopted last August, at the National Convention at Albany, in which we both concurred, by which the subject of political action was left to abolitionists in their different localities, contemplated political organization, should circumstances render it expedient. Rather, I would say, did that resolution leave the matter *in statu quo*—societies and individuals to take such order, with regard to undisturbed political action, as to them might seem best. The resolution asserted no new principle, but, waiving the recommendation of any specific course on the subject, left the matter to the judgment of abolitionists to act, according to the exigencies that might arise, but agreeably to the acknowledged principles of the Constitution.

If, my dear sir, I have been able to show, or if it can be proved by some able pen, that the formation of a distinct abolition political party, by the American Anti-Slavery Society, or any of its auxiliaries, is contrary to our constitution, it seems to follow, as a matter of course, that no organ of the anti-slavery society should advocate such a measure, or any officer of the parent and other societies allow himself to be in nomination for office by such a party. While our present constitution exists unamended, it appears to me our duty to conform to its obvious provisions, to continue to press upon the hearts and consciences of our countrymen the sacred doctrines avowed in it, to persist in voting irrespective of party for those, and those only, who are the friends of impartial liberty, and immediate emancipation, leaving to others, who think moral suasion less effective than separate political action, the responsibility of organizing and sustaining an abolition political party. While they devote their energies to such a measure, let the adherents of the American Anti-Slavery Society maintain the spirit of the Constitution, and not, disregarding its letter and obvious meaning, act upon the doctrine of expediency, so often and strenuously repudiated by the friends of human rights. Confining ourselves to the plain provisions of the Constitution, annual reports, and resolutions, abolitionists need not be under any apprehension of inaction in their ranks; for new modes of action will be presented in the progress of the cause that are indisputably inconsistent with what has been, until recently, understood to be the principles of our association. When the Constitution requires amendment, a constitutional number can at any time avail themselves of the provision made in the instrument itself by adopting such amendments as the light afforded by experience may suggest. But until amendments are made, authorizing separate political action, by which I mean the formation of a distinct political abolition party, is it not better to keep within a pale of the Constitution? In this way we may hope to commend the cause to the well-principled in our land, keep ourselves from the contaminating influences of partizan warfare, and suspicious of interested motives, while we confidently hope for the continued guidance and aid of the God of the oppressed.

What success I may have in this letter of convincing you, my dear sir, of the unconstitutional tendency of measures in agitation, or what essay and convincing way you may have of refuting my reasoning, I will not venture to anticipate, but so clearly does the obligation of "total abstinence" from any abolition political party appear to my mind, as the duty of the American Anti-Slavery Society, and its Auxiliaries, and their members, that I feel constrained, at the risk of having my argument refuted, to present this view of the subject, in hope that it may tend to allay the spirit so ardently engaged to form a distinct political party, and thus, as I fear, bring about the prostration of our association as a moral and religious institution.

With regard and respect, your's &c.
LEWIS TAPPAN.

REPLY.
New York, Dec. 9, '39.

To Lewis Tappan, Esq.
Very Dear Sir.—Your friendly letter was handed to me this morning. As it is to be published in the Emancipator of this week, it is thought advisable that the Answer should accompany it. I shall, I fear, have but little time for more than briefly, and perhaps imperfectly examine your principle position.

I do not remember, in any thing I have seen heretofore in reference to forming a third political party, that its *unconstitutionality* has been hinted at, or insisted on. The measure has been opposed as inexpedient—as showing our instability—as highly injurious to us in the estimation of our fellow-citizens generally, and as tending greatly to retard, if not to defeat our object. No one but

you, I think, has gone back of this. But the line, that you stand alone, cannot in the slightest manner, abate the respect that I owe to an opinion, which, after due examination, you entertain, and think worthy to be published.

Your position is—that abolitionists, in forming a distinct political party, with a view to effect or change the Government in relation to a peculiar subject, violate the constitution of the American Society. You concede, that *action*, in union with one or both of the political parties existing at the time of the organization of the Society—and since, no matter how Protean the shapes they have assumed from time to time, was contemplated by the Constitution;—that to vote with them and assist them to elect such of their partisans as are favorable to our views is allowable. Neither is there, in your mind, any question, that, according to the Albany resolutions, we ought to vote for no candidates for certain offices who are not fully with us on the subject of *immediate emancipation*. If the foregoing is what you grant, the whole question, so far as it is a practical one, and worthy of consideration, is narrowed down to this—May abolitionists themselves, select for their suffrages such of their fellow citizens as they know to be true to the cause of human freedom—men who consider the abolition of slavery as the most important political question now pressing on this nation, and hold them up, separate and apart, as the *representatives* of their principles; or are they bound by the constitution to vote only for such abolitionists as the nominating caucuses of the Whig and Democratic party may respectively select for them—men who regard every subject coming before them in the course of legislation with an eye, first to the consolidation of their party—*next*, to the furtherance of emancipation. This is the true question. You may perhaps reply, that we are not bound to vote for such—but that every voter may if he choose, vote for any other abolitionist whom he may prefer to the one in nomination. But if this be so, we may, instead of two parties have three or a hundred. Each man—or if he draw to him five or ten or twenty more, who shall thus vote,—is in effect, a party.

I wish that the loose expression "moral and political action" had not been inserted in the "Declaration"—since political action is but a species of moral action. As they now stand, they seem to some persons to mean different and almost opposite things. If moral action had alone been spoken of, all confusion of ideas would have been avoided. By moral action was intended *peaceful* action—such action as can be put forth in consistency with the constitution and laws of the country—and such as is, therefore, *peaceful*. It was opposed to *forcible*; and any one will be convinced of this, in reading the Declaration, will notice how carefully the projected anti-slavery movement is contrasted with the *forcible* part of the American Revolution. If I am right in giving this comprehensive meaning to the word *moral*, all our action was intended to be of that character,—whether we acted on the politics—or the religion—or the commerce—or the mechanical, or laboring interests of the country. It was all moral, because persuasive and peaceful. It was to all intents and purposes what you call a system of MORAL SUASION, to be followed up, as I believe, by a corresponding course of action.

You say, that the constituents of the "moral suasion" of the Constitution are, "warning, appeal, petition, remonstrance, argument, prayer." But abolitionists have vowed "irrespective of party and only for those who are in favor of the great principle of emancipation." Now, I am unable to see how, in virtue alone of any one of these constituents, or of any number of them combined, an abolitionist can claim to vote at all; or if it be conceded that he can vote, where is the ground of his obligation to vote for candidates presented by two parties—both, as such, hostile to him—any more than to vote for such as he may himself select without any reference to these parties, but simply with a view to principles? It may be replied, the right to vote is a right prior to the institution of the Society. But is any thing gained by this? For, it may also be said, that the right to form a third party, or to vote for a third party if formed by others, is just as old and as undeniable as the right to vote. Persons acquire no additional political rights—neither do they lose any—by joining the Society. All that the Society asks of its members is to use the rights already possessed in such a way as will best promote the peaceful emancipation of the slaves, whether it be, by influencing the existing parties, or any other which may spring up in the country and be more effective for that object.

Suppose, there had been in existence at the time of the formation of the American Society, three, instead of two political parties in the country, would the Constitution bind us to vote for any two of them to the exclusion of the third? Or, suppose, that persons not members of the Anti-Slavery Society, and, therefore, not bound by what you believe to be its rules in this matter, were now to nominate as their candidates, none but men of good moral character and of the most approved anti-slavery sentiments? Where would my excellent friend Lewis Tappan be found on the day of the election? I doubt not, in his proper place, supporting the right men.

And if such a party were to rise up, setting out with never so few honest men, who had become disgusted at the practices of the two parties with which they had heretofore acted, would you be the first to address them on this wise—"You had better return and vote with your old parties—they are very corrupt, it is true; and, as parties, utterly opposed to your views, but just as sure as you vote by yourselves, and set up candidates who truly represent your principles, and try by a rigid adherence to them, and by the republican honesty of your lives, to win over others to adopt them, you will become corrupt and go the way of all parties who have gone before you. As you value your purity, and peace, and respectability, and fear the resentment of your old associates, fly back to them and never more think of separation." You, my dear sir, would be among the last to give such counsel—and among the first to abandon the society if it debarred you from voting with such a party.

You cite from the Preamble and the Constitution the following passage:—"We believe, that it is practicable, by appeals to the consciences, hearts and interests of the people, to awaken a public sentiment throughout the nation"—"it (the association) shall aim to convince all our fellow-citizens, by arguments addressed to their understandings and consciences, &c.—"we owe it to the oppressed, &c.—"to do all that is lawfully within our power to bring about the extinction of slavery."—and you seem to think that every thing that can be done, in virtue of them is included in the following specifications found in the "Declaration."—"We shall organize Anti-Slavery Societies—send forth agents to lift up the voice of remonstrance, of warning, of entreaty and rebuke—circulate tracts and periodicals—enlist the pulpit and the press—aim at the purification of the churches, and encourage the labor of freemen."

Now, if the specifications include all that abolitionists in their associated capacity can constitutionally do, where is our authority for sending out "financial" agents, and raising money—for printing other books than tracts and periodicals—for sending two gentlemen to the West Indies to explore the state of things there—for sending a delegation to attend the Convention to be held in London next June—or for appealing to the "interests," the *pecuniary interests* of the slaveholders and those connected with them? The specifications contained nothing of this sort. But you reply, these things are undeniably, if not palpably necessary to the furtherance of the cause. I grant you, they are. But how can you adopt them? They are not included in the specifications—and the specifications contain, according to your view, a full enumeration of all the powers exercised under the constitution.

Now, I say, that the specifications, as far as they go, are consistent with the constitution, but that they never were intended as a full enumeration of constitutional powers.—They are but mere examples. If they were not, where was the necessity of adding to them, that "we shall spare no exertions nor means to bring the whole nation to speedy repentance!" This is not surplusage—it is intended for some object. Doubtless, to cover such action as was not then foreseen to be necessary to the cause, and which, of course, could not be provided for—but which might in the vicissitudes of our national affairs become altogether essential to its success. Under the pledge contained in the constitution that we will do "all that is lawfully within our power," &c. we have done many things not incompatible (I grant) with what is specified. These things have been done, because they were expedient for the advancement of the cause. Now, the formation of a third party may also become expedient for the same object—and if it is not forbidden by the laws of the country, and not at variance with any provision of the constitution, or with any of the specifications of the Declaration, (should you choose to consider that document obligatory,) where is the sufficient reason for not adopting the third party mode of political action if it really be more effective than the two party-system which has already so often failed us? If that should be thought the best mode of action for the extinction of slavery, we stand pledged to adopt it, because it is "lawfully in our power"—there being nothing in the laws of the country or of the Society, forbidding it.

If your constitution be right, abolitionists cannot, in any future time, vote for the candidate of a third party without a change in the constitution. Let us take a case then, to show how this would lie right in the way opposing the extinction of slavery. We will suppose there are 39,001 votes in this city and county—that 13,000 of them are whigs—13,000 democrats—and 13,000 of a third, or anti-slavery party. Thus they vote and are tied, whilst you have the last and deciding vote. Suppose you were to vote for one of the two old parties, or refuse to vote at all—and should be asked for the reason of your course. Where in the Constitution or the Declaration can you find any thing forbidding you to vote for a third party—whilst you might be told, it was "lawfully in your power" to vote for third party as for the first or second.

It strikes me that the proceedings at Albany, in relation to this subject, militate strongly against your constitution.

In none of the arguments there used against the formation of a distinct party, was the *constitutionality* of such a measure objected to or even hinted at. Mr. Loring, whose views deservedly had great influence with the Convention, whilst earnestly deprecating the formation of a third party, did not once allude to it—but warmly entreated, whatever might be done in this matter, at a future time, that it might be delayed for the present. It is hardly to be supposed, if the institution of a third party is so plainly unconstitutional as it now seems to you, that so important a point would have been overlooked, on that occasion, by the skillful and discriminating men, (yourself among them) who were and are still opposed to the measure; and that the following preamble and resolution would have passed without any serious opposition.

"Whereas, the subject of nominating distinct Anti-Slavery candidates for offices in the gift of the people has been presented to this Convention, therefore
Resolved, That it be recommended to Abolitionists to adopt such course in their respective sections of the country, as will, in their judgment, best subserve the cause of immediate emancipation."

To this compromise, for it was strictly such, between the advocates and opponents of a third party, the whole question is treated as one of expediency. In some sections of the country, nominating distinct anti-slavery candidates might best subserve the cause of emancipation, in others, not. If, in the judgment of abolitionists residing in particular sections, it would, they were recommended to nominate. If it would not, they were recommended not to nominate. No INCIDENTAL decision of a question could more nearly approach a direct one than this. This conclusion can be avoided only on the supposition that the question did not occur to the convention. But this cannot be seriously insisted upon, if the question is so

plainly and palpably unconstitutional as you consider it to be.

Abolitionists ought to do whatever the laws of the land, (presumed not to be inconsistent with the divine law) permit, for the extinction of slavery. To this they stand pledged "to the oppressed, to their fellow citizens who hold slaves, to the whole country, to posterity and to God."—Because they associate together to effect a particular object, they are not on that account to be set down as acting with DELEGATED powers, and therefore to be subjected to rules of strict construction as to the extent of them. There is no delegation in the matter. Abolitionists associate together with the view of USING powers that have NOT been delegated—such as are reserved to them as the people—to accomplish a lawful end.

It could not have occurred to the Rev. gentleman, who thought that the General Assembly of the Presbyterian Church had cognizance of all ecclesiastical matters not expressly forbidden in the Book of Discipline, that the Assembly acts not with original, but delegated powers—and that, therefore, the exercise of these powers ought to be subjected to strict construction. All powers that the Presbyterians, as a body, have not conferred on the General Assembly, they have reserved, either to subordinate tribunals, or to themselves. The American Anti-Slavery Society is a primary assembly—its powers are original, not derivative—they are reserved powers; such as belong to the members, as citizens of the country. They can delegate powers to others—as they have to the Executive Committee.

I have, now, my dear sir, presented you such views as I entertain on what you are pleased to call my side of the question. I fear, what I have written is diffuse and unconnected. The only apology I can offer is, that I have not had time to condense my arguments and throw them into more logical form.

As your letter calls on me only for such opinions as I may entertain on the CONSTITUTIONALITY of the third party movement, I could not, perhaps, even if time were allowed me, to enter here on the discussion of the expediency of that measure. I am unwilling, however, wholly to dismiss the subject without saying, that instead of feeling apprehensive of disaster to our cause, from the eagerness now showing itself among abolitionists to ENTER in political action, it is to me a cheering sign of encouragement.

Our political movement, heretofore, may be compared to the wake of a vessel at sea—never increasing in length no matter how many thousands of miles she may sail. But the present movement shows that we have discovered our mistake—that there is enough of life and spirit among us to attempt its correction—that we are willing to act as well as talk—to overshoot, with this great question, minor ones that have for a long time distracted portions of our friends and alienated them from each other—and that instead of resting satisfied with still longer committing our sacred cause to the hands of its enemies, or of mere partisans who, almost uniformly thus far, have either baffled or befooled, or betrayed us, we have confidence enough in it and in ourselves to take the POLITICAL, as we have the other parts of it, into our own keeping and under our own management. I look on the independent party movement as proof, not only of the greater force and energy of the anti-slavery cause but of its greater expansion; & I am not more surprised at it, than I would be, at seeing the young of a noble bird, grown too large for the nest, and feeling its strength and courage equal to the attempt, committing itself to the bosom of the air, and training its powers in the region of thunders and lightnings and storms.

Very truly, your friend,
JAMES G. BIRNEY.

ARNOLD BUFFUM.—Our brother Buffum was at Cincinnati at the last advices. A meeting was advertised in the Cincinnati Gazette, on the 29th, accompanied by the following commendatory notice from a Kentucky paper of high standing. The good report is doubtless just, the insinuations about delusion will pass for what they are worth.

From the Louisville Journal, edited by Geo. D. Prentice.

The American Anti-Slavery Society has delegated ten lecturers to the different portions of the United States. They have sent Mr. Arnold Buffum to Indiana. We used to know Mr. Buffum very intimately; we lived within a few yards of him nearly ten years. He is a fine old Quaker gentleman, talented, energetic, eloquent, and possessed of as benevolent a heart as ever throbbed in a human bosom. However deplorable may be his delusion upon the subject of abolition, we know him to be honest in it; and we sincerely hope, that, during his pilgrimage in the West, away from the interesting and high-souled daughters that bless his domestic fire-side, he will be treated with no personal unkindness.

RICHARD ROBERT MADDEN, M. D.—This gentleman sailed from this port in the ship Roscius, on Monday, 25th ult. leaving his deposition with respect to his knowledge of facts relative to the Africans of the Amistad, in the District Court of Connecticut, and with respect to the same, and his knowledge of Ruiz, in the Court of Common Pleas in this city.—The substance of his deposition has found its way into the newspapers, and the facts disclosed will astound the people of this country. It will be found in another column. Doctor Madden has visited Washington, and had before the President of the United States and the British Minister, important testimony with regard to the captured Africans, and the iniquitous proceedings in the Island of Cuba. This zealous philanthropist, during his short visit to this country, has performed an important service to the cause of humanity.

B. F. Butler, Esq., U. S. Attorney for this District, assisted by Mr. Parroy, the Spanish Attorney, in taking the Dr.'s deposition to use in the suits against Ruiz and Monez here. About four hours was consumed in taking it. Dr. M. afterwards remarked that every thing in the testimony that could in any wise appear, favorable to the cause of the negroes, was objected to by the United States Attorney. Both here and at Hartford, the whole legal weight and influence of the U. S.