

## Address of the Constitutional Convention to American Public

A committee made up of John M. Walden, James Fletcher, Thomas Ewing, Jr., Isaac T. Goodnow, Henry J. Adams, T. Dwight Thacher, and Addison Danford prepared this eleven-page manuscript "address to accompany the instrument" adopted at the Leavenworth Constitutional Convention. The statement essentially laid out the philosophical foundations and rationale for the new document. It argued that the facts showed the overwhelming majority of Kansans desired admission as a free state.

Creator: Address committee. John Morgan Walden, James Fletcher, et al.

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DAVID H. MOORE  
BISHOP OF  
THE METHODIST EPISCOPAL CHURCH  
RETIRED

Indpls.,

10.27.14.

Dear Mr. Connelley:—

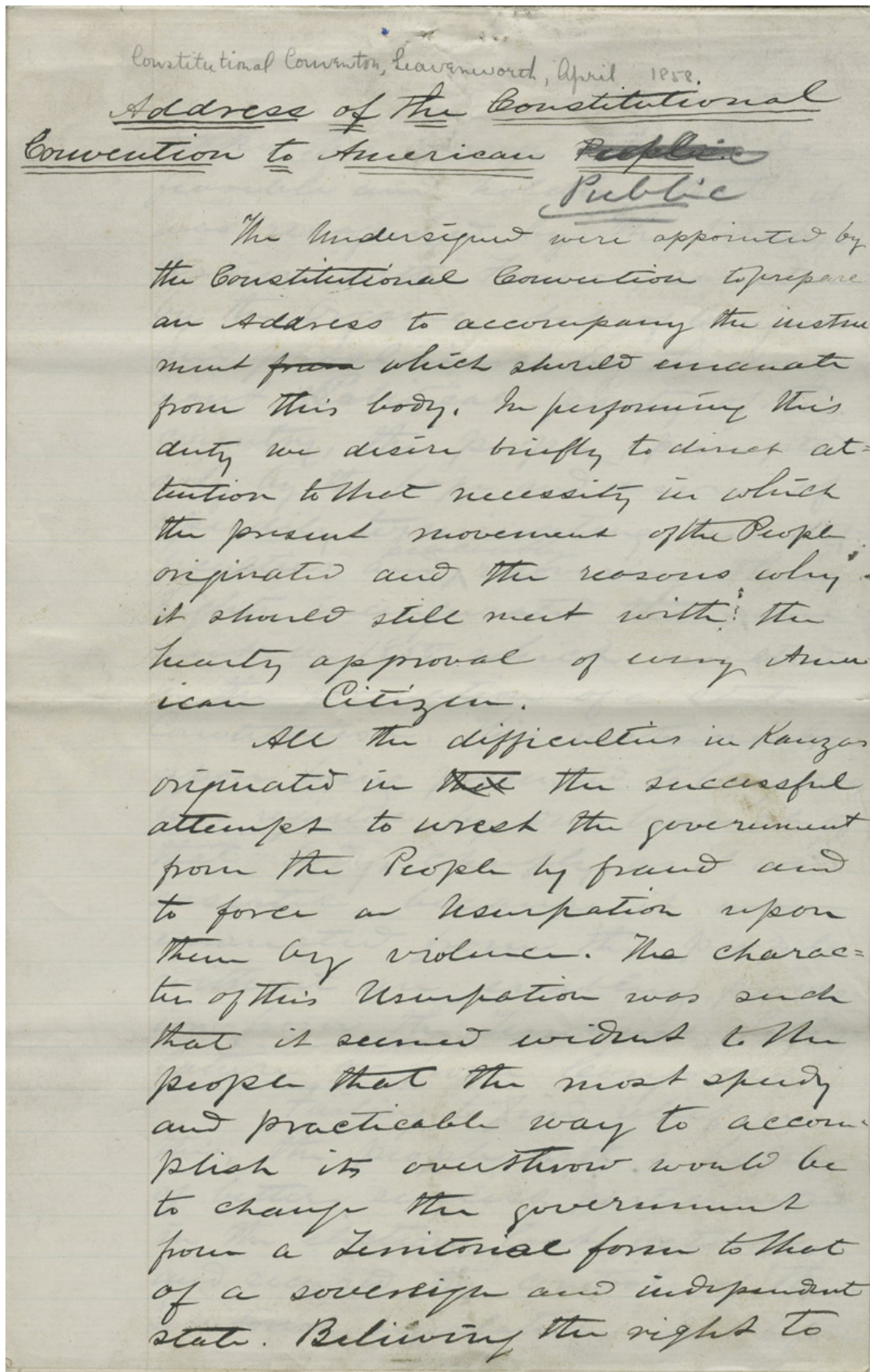
I enclose original  
ms. "Address", by direction of Mrs.  
Walden. She also has Gene Gile  
Quindaro Chiudorran claiming her  
husband's editorship thereof, & would  
send it, if desired for the Archives.

Very truly,

David H. Moore.



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make this change to be in-  
feasible and holding that it  
was recognized by the treaty of  
cession with France, sanctioned  
by the Organic Act of Congress  
and proclaimed by the domi-  
nant ~~Political~~ party of the  
country, the people, prompted  
only by the hope and desire of  
speedily terminating their dif-  
ficulties and <sup>perceptibly</sup> recovering their  
rights, inaugurated that move-  
ment, in 1855, which resulted  
in the formation of a State  
Constitution. This instrument,  
upon being presented to Congress,  
was rejected by one branch of  
that body, chiefly, as it was  
asserted, because it ~~was~~  
emanated from the people  
without an enabling provis-  
ion from the Territorial Legis-  
lature or from Congress.

Failing to find relief in  
this, the people with a hope  
of better success, participated  
in the election, last October,  
and secured the control of the  
Territorial Legislature. But, before



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this body could take any official action, a Convention previously provided for by the alien Legislature and elected under a partizan and fraudulent Registration and Apportionment, had framed a Constitution for Kansas repugnant in many of its provisions, thus throwing another great obstacle between the people ~~of~~ and their rights just when they were about to enter ~~into~~ <sup>into</sup> their possession and enjoyment.

In this crisis, when a people whose patience had been exhausted by the repetition of acts of tyranny and persecution, were exasperated by a new and startling attempt to fasten another usurpation upon them and were ready to crush out their oppressors by violence, the Territorial Legislature, with a hope of averting the impending calamities, enacted the law providing for another Constitutional Convention. It was fully believed that an enabling act thus emanating from a le-



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which they could resort. Their intention has been to make for themselves a Fundamental Law and to organize a government under it, with the hope that its existence might deter Congress from sanctioning the constitution framed at LeCompton, and with the determination that it should be the standard around which they would rally in the event of a forcible and violent resistance to the Fraud becoming necessary. Because of this, we, in behalf of the long-oppressed people for whom we speak, appeal to the citizens of every State to use all their influence to prevent the National Congress from sanctioning that Constitution and government to which the people of Kansas cannot submit without sacrifice of their dearest rights, and which cannot be recognized <sup>as valid</sup> without an absolute disregard of the fundamental principles of our government.

To the people of Kansas, you whose interests are directly involved in this Constitutional movement, we can



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say that your Delegates, in performing the duty entrusted to them, have endeavored to frame a Constitution adapted to the wants and calculated to conserve the highest interests of Kansas. They now submit it to you for your approval or rejection. The limited time to which the convention has necessarily confined its session has prevented that deliberation with which such instruments are usually formed, but scrupulous care has been taken to avoid incorporating anything believed to be repugnant to any considerable portion of the people. The impending dangers have been kept steadily in view and because of them the aim has been, especially, to make an instrument which every good citizen may conscientiously approve. The Delegates earnestly hope that they have been entirely successful in this, for they are conscious that your peace and prosperity for years to come, may depend upon their work. They





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ful that if it is such as to deserve and receive your ready and hearty ratification, then, not only will they have been successful in their efforts, but you, the People of Kansas, will have created by your sovereign will an instrumentality with which you may effectually contravene the conspiracy against your rights.

There is an urgent necessity that the ratification of this Constitution be of a most emphatic character, whether the Pro-slavery constitution now before Congress is or is not received by that body. By a direct and overwhelming vote you have declared your hatred to that instrument; by a triumphant endorsement of the work of your own Delegates you will again express your hostility to the admission of Kansas under a constitution which is the embodiment of a fraud, and the result may reach the National Capitol in time to prevent the consummation of that great



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wrong already begun by the Senate of the United States. But, if this wrong shall have been consummated, then by your vote, you will be choosing directly between a Constitution under which Kansas would be a Subjugated Slave State and one under which it would be forever free and independent. You have it within your power to reject and defeat the hateful Pro-slavery instrument by endorsing ~~and~~ this new Free-state Constitution.

It may be argued by some that such a proceeding would be revolutionary, but the arguments are specious and unfounded. The admission of a state into the Union is a simple contract the parties to which are the people <sup>of the state</sup> and the Federal Government. The terms of that contract can in no wise include the constitution of the state, for if they did, no state could ever change its Organic Law without first obtaining the consent of Congress. Upon





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the admission of a state the Federal government abandons its authority represented by the Territorial ~~Legislature~~ government and the state becomes independent in all things except wherein limited by the terms of the Federal compact, and the people, consequently, become possessed of full and sovereign power to make a constitution for themselves and in their own way, without reference to the Federal government. No act of Congress can give legal force to the fundamental Law of a state. After the admission of a state its constitution depends entirely upon the implied or expressed sanction of the people for all of its legal virtue and effect, and without that sanction it is in fact, and ever must remain, null and void. With a full confidence in the correctness of these views, ~~we~~ declare that if you, ~~the people of~~ Kansas we declare that if you, the people of Kansas, adopt the

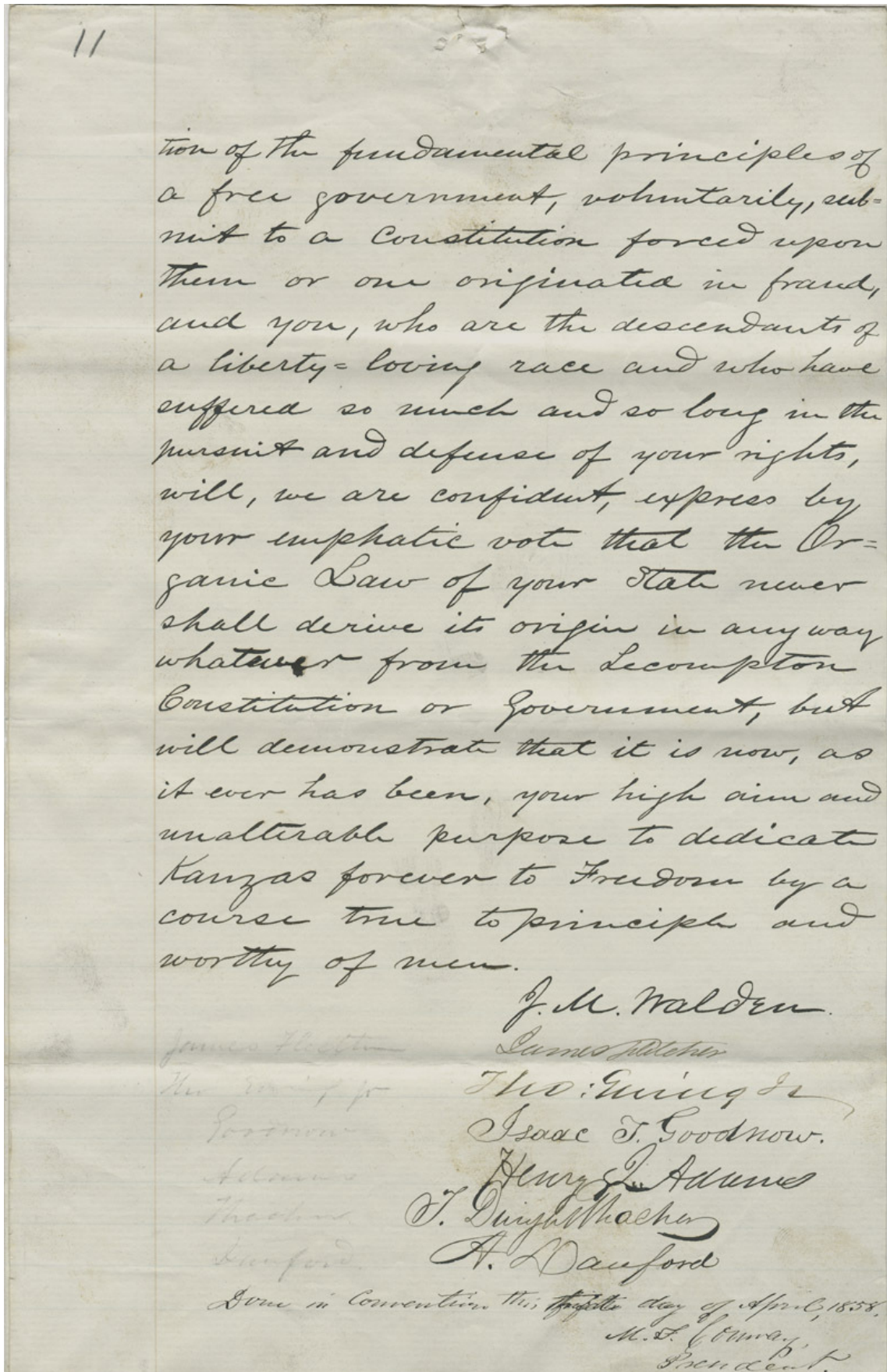


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Constitution now presented for ratification and give to it a practical application and enforcement, upon admission into the Union, it will become the only lawful Constitution no ~~what~~ matter what instrument Congress may recognize in the act of admission.

Whatever, then, may be the action of the Federal Government in regard to the Lecompton Constitution, your highest and best interests appeal to you to give to the present movement all that significance which the unanimous action of a people can impart to it. You have proven to the world that the Lecompton Constitution is not your choice. Let the world see, by your course now, that your repugnance to that instrument has not diminished in the least. You have resolved, never, of your own accord, to live under it. Let it again be shown that in this determination you are inflexible. Even in the absence of such determination no people could, without the viola-

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