

Quindaro Chindowan, May 13, 1857

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## Our Position

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In this Territory, which we had chosen as the field of a Newspaper enterprise, the people are divided into two parties, differing radically from each other in their sympathies, opinions and aims - this sympathizing with the movements and policy of one portion of the Nation, that with those of the other portion; the one entertaining a devotion to those institutions which foster Free Labor, the other for those which uphold slave labor; the latter maintaining a determination to make Kansas a slave State, the former to dedicate its woodlands and prairies to Freedom. It may be expected of us, as it ought to be of every person in the Territory, to endorse one or the other of these parties; to take this or that side of the important question which divides them. If there were no such expectations, we should do so, for no person in a crisis where great principles and incalculable interests are involved, can, with impunity to themselves, assume a neutral position, as that very neutrality always casts their influence, however great or small, to the favor of the party most in error. Moreover, in such a crisis, there is a credit in taking a positive stand and frankly declaring opinions, which we are ambitious to merit, whilst it is farthest from our desire to be classed with any journalist in the Territory, who either has no definite position, or hesitates to define it, though the people and partons here and in the States expect at least this modicum of dignity and independence.

We are in favor of making Kansas a Free State. We wish, now, to see its soil consecrated to Free Labor by the voice of the People, and to feel that that consecration is forever - not like that made by Congress six and thirty years ago, to be revoked in partizan strife - but made [to stand] FOREVER INDEED. We hope to see it the homes only of Free Men and Free Women, for then we are confident that those homes will be happy, that labor will be respected and rewarded, that the soil will yield abundant harvest and fatten by the culture, that improvements will be constantly projected and rapidly completed, that throughout the length and breadth of the State there will be a steady progress in all that dignifies and enobles a community. We are opposed to making it a slave State, because by comparing the statistics, and viewing the condition of free and slave states we find that in everything that elevates a people, the former transcend the latter; because our fathers once set it apart to Freedom; because we think that man, in no governmental capacity, has any inherent right, any other right than that of might, to plant slavery on any soil, and because we feel that duty to our God, to our country, to ourselves and to posterity, demands that it should be made free.

This may require us to speak farther in regard to our opinions upon the general question of slavery. We think the Constitution of the United States was so framed as

to give its protection to the institution in the organized States where it existed. But, notwithstanding the recent decision of the Supreme court of the United States, a body whose officially expressed opinions very many persons, we regret, are inclined to regard as too sacred to be called in question, notwithstanding this decision we have found no sufficient reasons to change a position previously maintained by us, that slavery is a matter of local policy, a subject for State legislation, a domestic institution existing, and existing only by virtue of municipal law, which the people of the State, and they only, can abolish, but which, as above stated, neither the people of the nation, or of any State possess any inherent right to plant on soil where it does not already exist. The fugitive slave law of 1793 may very properly be regarded as the opinion of the Congress which enacted it, in regard to the intent and meaning of the third clause of Art. IV, Sec. II of the Constitution, but since the people, by their vote in November last, refused to be controlled by other precedents set by Congress at various times from the organization of the Government down to a recent period, there is nothing that requires us to regard the law of 1793, as a just exposition of that portion of the Constitution under which it was enacted. The law of 1850, contains repugnant and unjust provisions, and, as we are not inclined to censure any person for refusing to approbate such laws as infringe upon the rights of man under the constitution, we hold that no one for any purpose, should be forced to pledge himself to aid in carrying out - the whole law, as it now stands, and that it was transcending the province of legislators to make sworn fidelity to it the test of an elector.

No body of men, except fairly chosen representatives, have a right to make laws for the government of a people. The members of a self-constituted government, or a fraudulently organized government may have the power to make laws, and may by power enforce them where the public have no voice in public affairs, but it has neither the *right* to do the one or the other. In politics as in morals, there is a clear and broad distinction between Right and Power, which is often overlooked. Right in politics embraces all the inalienable privileges of man. - Political Power often, for a longer or shorter period, dispossesses him of them. Whenever and wherever Power infringes upon these sacred prerogatives, it is the duty of the oppressed to band themselves against it. Because of facts with which not only the people of the Territory, but also of the States, have been familiar, we have not recognized, and do not now regard the Territorial Legislature as a justly constituted body, in consequence of which the laws passed by it have no moral binding force, and therefore, the people of the Territory would be justified in refusing to recognize the authority of that Legislature, by ignoring the laws they have made. In a government like ours, if fairly chosen legislators make tyrannical laws, it may be proper to submit to them until redress can be obtained at the ballot-box, but if a body of men usurp the law-making power of a land, pass odious enactments, and endeavor to enforce them, then the people justly incur no censure by not only refusing to recognize them, but also by resisting their enforcement if needs be by force. Then whilst we do not declare under such circumstances resistance to be the best and wisest policy, we do say that such a course could not with fairness be considered wrong or treasonable.

How shall Kansas be made free? is a question upon which free-State men differ. In this article it is not necessary for us to state what we think the proper course to be pursued. Kansas must be made free at the Ballot-box. A change in the policy of General Government respecting the formation of new states was endorsed by the people in the election of Mr. Buchanan. The people are the true source of all political power in our country, and their will as expressed by their votes is the law of the

land, and remains so until it is changed by them. Prior to that change or policy the nation acquiesced in the prohibition of slavery in certain territory by Congress. The determination of all the social institutions of the future State is now given to the citizens of the Territory. While we believe this policy to be wrong wherein it admits of the possibility and propriety of organizing more slave states, it being the rule under which, for the present, we are compelled to act, we think the destiny of Kansas should be peaceably decided by the votes of the people at an election where every man, be he pro-slavery or Free-State, may, without fear, without repugnant restrictions, without being compelled by voting to endorse the authority of the Territorial Legislature, exercise his franchise. To leave one party or the other to choose between a compromise of principles upon the one hand, or the loss of his sovereignty on the other, is a flagrant wrong, and act of despotism.

Peace is a boon greatly to be desired by every citizen who feels a solicitude for the uninterrupted prosperity of the territory. We trust that the government will be so fairly and impartially conducted, that there will be no just cause for a repetition of scenes such as have made the past history of Kansas a record of broils and battles. We expect that the Free-State men will pursue a course of strict and scrupulous justice, and act with a commendable degree of forbearance towards all parties, that, should there yet be difficulties before the permanent adjustment of political affairs, they may stand before our nation, and before the world, fairly acquitted of any act that would merit censure--above the charge of aggression and blameless of malignant retaliation. They have rights, God-given and inalienable rights, and to these we hope to see them cling, and by them stand, with that manly independence which ever characterizes a true freeman and a true patriot, be the result what it may. Peace never should be purchased by the sacrifice of just principles. A peace thus purchased never has been and never will be permanent, and while it may last, it is at least but a vassalage where the degree of thralldom is measured by the value of the principles relinquished. Therefore, whilst we wish that everything like hostilities, and the calamities incident thereto, may be averted, we say stand, stand firmly by the Right; *"Fiat justitia, ruat coelum!"*

By rights, as above alluded to, we are far from meaning any and every "position" a portion or all of the Free-State men may have assumed, or may yet assume, to be the proper one, but we mean those rights which are based upon the fundamental principles of a republican government, and belong alike to every citizen thereof, among which is that "free and independent" exercise of the elective franchise, which secures a voice in the government, and a representation where there is taxation, and, as applied, immediately, to affairs in Kansas, an opportunity for every citizen to vote for Delegates to a Constitutional Convention, unembarrassed by the possibility of his suffrage being construed as the endorsement of a Legislature to which, justly, he owes no allegiance, and exemption from being taxed by a government in which he has no representative. If the Opposition insist upon enforcing no demands that infringe upon these principles--if they refrain from an endeavor to make Free-State men subscribe to authority they can recognize only by abandoning them, if they endeavor to debar no actual resident from the polls at a legally appointed election, if they do not where they may have the power throw open the polls to non-residents, if they do not strive to enforce the odious enactments which Free-State men can only obey by a compromise of sacred principles, then we are sure that Kansas will be blest with peace, that the blast of the trumpet will be hushed, that her sons reconciled to each other, will "beat their swords into plow-shares and their spears into pruning-hooks," and march forth, an army without banners, to hew down her forests and cause her hills and vallies to "bud and blossom as the rose."

The opinions we have advanced embrace *our position* in regard to the political affairs of the territory. It shall be our object to maintain this, and, we will endeavor to be a fair and faithful exponent, whilst we will be a fearless defender of the Free-State party, so far as it is in the right, at all times, however, cheerfully according to every one a free expression of his sentiments through Free Speech, or by a Free Press. If we receive that encouragement which will assure us that our humble endeavor is deserving of the approbation of those who desire to see our common country gather a multiplied power and prosperity and influence through the spread of her Free Institutions over the Territories of the West, we shall feel grateful to them for their support, and have abundant reasons to be grateful to that Providence which, we trust, has directed our steps to this field of labor, afar from those associations the memory of which brims with pleasure and those scenes to which our thoughts must often return and behold blooming as with the beauty of flowers.