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SPEECH OF MR. SAUNDERS, Of North Carolina,

On the resolution calling upon the Secretary of State for information in regard to the printing of the laws of Congress, delivered in the House of Representatives of the United States, February 14, 1827.

The resolution calling for information in regard to the Printers of the Laws, being again taken up—

Mr. Saunders rose, and spoke to the following effect:

Mr. Speaker, In availing myself of the present moment to reply to certain matters introduced into this discussion, I have no wish to preclude any other gentleman who may desire to speak, should it be the pleasure of the House to continue the debate. And if, in the course of the remarks I feel myself constrained to make, I should touch a chord, whose vibration shall not harmonize with the feelings of particular individuals, I must plead, as my apology, the example of those who have gone before me, and that truth is my object. Here permit me to remove the objection stated to that part of the resolution calling for the list of papers in which the laws were directed to be published in the years 1825 and 1826. I was apprized that the communication in reply to the call of last session contained the list for these years; the object then was to see the papers in which the laws had been published in 1824, under the order of the then Secretary of State, so as to contrast them with those in which they were directed to be published by the present incumbent of that Department. The object now is to obtain the entire list, since under the direction of the present Secretary, of the papers, the changes, and the causes for each change, which will extend as well to the past years as to the present. And as I prefer having the whole matter connected under one view, I hope the resolution will undergo no change.

I understood, Sir, the gentleman from Ohio, (Mr. Wright) who first spoke in opposition to this resolution, to have conceded the right, on the part of this House, to call for the causes which may have influenced any department of the government in the execution of a particular duty, required by law; though he considered it inexpedient and useless to do so in the present case. He put to me the question, by way of illustrating the absurdity of such a call, that should he submit a resolution calling for my reasons for offering the one now under discussion, would I not reply to it with feelings of indignation? I answer, if the gentleman had proffered such a resolution, when engaged in replying to my reasons, it might argue some impediment in his intellect, but could afford no just cause of complaint. I might ask the gentleman, with more propriety, if he had been charged by his constituents with a particular duty, in which they felt a deep interest, would he hesitate in acquainting them with the manner he had discharged his duty, and his reasons? I apprehend not. If called to the public bar or to the festive board, to assign his reason for the vote he gave for President, would he refuse to comply? The gentleman, on such an occasion, has given his reasons, and they were worthy of his vote.

But, Sir, I ask if the gentleman from Ohio, or any one who has spoken on the subject, have met the cases I gave as evidence of the abuse? The gentleman did notice the National Intelligencer and the Kentucky Argus; and though he attempted an apology for the Secretary, he could not say the changes in those cases were justifiable. He gave us an eulogy on the Editors of the Intelligencer; the high character of their paper, and the general confidence which it enjoys in the estimation of the public; he reminded me that the senior Editor was a native of my own State, and inquires whether I considered them to be influenced by the paltry sum of 80 or 100 dollars? The gentleman need not have reminded me of this fact to influence my feelings, or to operate upon my judgment. "The better part" of the junior Editor of that paper is also a native of my State; and they are content with my feelings towards them. Yet he is mistaken in supposing the amount paid for the publication of the laws, and executive advertisements, with other printing which usually follows as a consequence, does not greatly exceed the sum he named. It is not, however, material to my purpose whether

the amount be great or small, or whether it influences those particular Editors or not. If they are not to be influenced, others may. The charge is, and as gentlemen have so termed it, I beg to repeat it in my own language—That the Secretary of State, on entering upon the duties of his office, found certain papers entrusted with the publication of the laws, which, from their character and circulation, gave them general dissemination—that there existed no cause of complaint—and that he, in the exercise of his discretion, transferred the printing to other papers, recently established, of limited circulation, to the injury of the public, and against the intention of the law; merely because these papers held a language agreeable to his own views, and recognized to the fullest extent, the hand from whom they received the "Treasury pap." This is the charge; this the issue tendered, which has not been met; or if met, conceded. Yet I am told the charge is serious, and a regard for my own reputation, if not for the character of the Secretary of State, ought to have induced me to pause before hazarding such an assertion, without a title of evidence. When I first brought forward this matter, I was in possession of information to satisfy my own mind that changes had been made, not justified by a proper regard to the public advantage, and of a character entirely personal and political. I am now possessed of evidence, the credibility of which will not be questioned. In reply to a letter addressed to the delegation of the State of New Hampshire, by the Editor of the Patriot, inquiring the cause for his removal as publisher of the laws, a Senator of that State, detailing a conversation with the Secretary, says: "Mr. Clay remarked, 'he had determined, from a sense of duty, to transfer the printing of the laws of the United States from the New Hampshire Patriot to some other paper.' A letter from a Member of this House, from the same State, says: 'That the printing had been taken from the Argus, in Maine, and from some paper in New Hampshire, and that Mr. Clay said he would not furnish an enemy with weapons to be employed against himself.' "An act of this kind," continues the letter, "performed without consulting any of our delegation, whose voice, if consulted, would, I have no doubt, been unanimous against it, shows a spirit which, I should think, a wise man, if he possessed it, upon principles of policy, would conceal." Another letter "It may not be improper to add, that I have good reason to believe that none of the Representatives from New Hampshire are the friends of the change." Again: "Your letter gave me the first information of the fact of the removal. As to the causes of it, no great doubt can exist in the mind of any body who knows the honorable Secretary and his present policy."

Such, Sir, is the evidence of the entire delegation of a State, declaring this change was not made at their request, but against their unanimous wish. I might ask, if the representatives of that State, coming from different sections, and conversant with its local situation, were not more competent to advise the Secretary, what papers were likely to carry the laws to every man's door than any one else? Yet he does not deign to ask for their information, makes the change against their voice, in conformity with his own sense of duty and his present policy.

I will notice what the gentleman from Ohio said in regard to the Kentucky Argus merely to state the facts. The gentleman told the House, the editor of the Argus had long published the laws of the Union, and had also published the laws of his own State. That he had been removed by the Legislature as printer for the State; ergo the Secretary was justifiable in transferring the publication of the laws to another paper. The gentleman disclaimed the conclusion as the reason of the Secretary, which leaves the facts to speak for themselves. The Legislature had elected another printer to the State, though it was not for near twelve months after, that the Secretary transferred the printing of the laws, not to the paper selected by the Legislature, because in the contest for printer, the editor of the Argus received more than fifty votes, and the one who now publishes the laws only five. So much for the reasons and the facts involved in that case.

I will here reply to an interrogatory put to me by the gentleman from Kentucky, who first addressed you on this subject, (Mr. Letcher) with much good feeling, but with a disposition rather to put this subject by, as a small matter, than to investigate it fully. He asks if no changes have been made in North Carolina? I suppose the gentleman alludes to the paper edited by the father and brother of the editor of the National

Intelligencer, who conducted the oldest paper in the State, and which has long been deemed the organ of the republican party, which has published, and still publishes the laws of the Union. Not because they are hostile to the administration, for on that subject, they have, at least, been neutral; which neutrality has contributed, in no small degree, to deprive them of the public printing of the State. Yet the honorable Secretary has not followed the example of the Legislature, and extended his benevolent aid, as it did not, I suppose, come within his present policy. It is an act of justice that I should say of the senior editor, to whom I have alluded, that though an Englishman by birth, he is an American in heart, and that I have long drawn much of my political information on passing events, from the columns of his paper. It is not any cause of complaint that this paper or any other has been continued, of whatever political complexion, as the abuse consists in the transfers made, and the effect of those transfers. It is saying to all the papers who publish the laws, "You must support the administration, remain neutral, or be placed upon your probation." It is this that constitutes the influence and the danger of rendering this patronage injurious to the freedom of the press.

The different gentlemen who have opposed this resolution, have all placed it upon the ground, that the printers of the laws were neither officers for life, or good behavior, but were appointed at the discretion of the Secretary of State, and liable to be changed at his pleasure. Now, Sir, it required no great sagacity to have made this discovery, as no one could believe it competent for the Secretary of State, bold and daring as he is, to remove a man from an office, conferred upon him by the constitutional authorities. It may suit the present policy of the Executive, to confer appointments, yet they can hardly undertake to vacate an office. I might inquire, upon what principle is it, that the Constitution and laws confer an office for life or good behavior. Is it not to ensure a faithful and independent discharge of duty? To obtain a competent person, and to place him above the influence of passing events? If this be the principle, and that it is, no one will deny, then the Secretary has been guilty of its violation, in taking from individuals the execution of a duty, which they discharged to the public satisfaction, to gratify his private views. By what tenure does the honorable Secretary hold his office? He is not an officer for life, but liable to be removed at the pleasure of the President. What ever may be his influence with the Chief Magistrate as an adviser, still he is not the Executive. Gentlemen then, who deny the right of this House to call upon this officer for the manner in which he has discharged a particular duty, are mistaken in supposing there is any analogy between this case and a call upon the President for his reasons in appointment to office. The Constitution has conferred this duty upon the Executive of recommending, and whatever may be our feelings to its exercise, we have no right to interfere. This is a legitimate source of patronage, and whenever exercised for the advancement of a friend, no one can complain, unless the public interest should be compromised, and then he is responsible to the people, and not to us. Such is not the nature of the present call, which seeks for causes that influenced our own agent, in discharge of a duty directed by ourselves.

The gentleman from Ohio says, there is no precedent, and the gentleman from Kentucky, (Mr. Buckner,) considers it an inquisitorial exercise of power. If, indeed, the object was to charge the Secretary with any corrupt participation in any profit arising from the execution of the duty, which I disclaim, then there might be some foundation for the argument. Such is not the case, as there is nothing criminal charged, and if any danger is apprehended, gentlemen may move the saving clause, providing he shall communicate nothing, which, in his estimation, may implicate himself. I will now, Sir, read, for the information of gentlemen, a case in point. [Here Mr. S. read, from the Journal of proceedings of the House of Representatives, for the year 1822, the following:] That on the 7th of May, 1822, Mr. Cook submitted the following resolution, viz:—

Resolved, That the Secretary of the Treasury be directed to prepare and lay before this House, as early in the next session as may be practicable, a statement, showing the amount of money which appears to have stood to the credit of the United States, or its Treasurer, in every bank in which the public money has been deposited, at the end of each quarter, since the first day of January, 1817, distinguishing between general and special deposits; a particular and minute account of each transfer of the public money from one bank to another, which has been made within the aforesaid period, and the reasons and motives for making the same. &c.

On 8th May, 1822.—The resolution submitted

by Mr. Cook, yesterday, was taken up, read, and agreed to by the House.

In March, 1822, Mr. Speaker laid before the House, a report from the Secretary of the Treasury, accompanied by sundry documents, prepared in obedience to the resolution adopted, on motion of Mr. Cook, on the 24th of May, 1822.

Here then, Sir, is a call sanctioned by the House, which sustains the resolution, and goes beyond it. It required the Secretary of the Treasury, to render not only his reasons, but his motives, for the discharge of a public duty. A call, whatever might have been the object of the mover, that must have deeply implicated the character of the officer, if guilty of neglect. Did we then hear any thing about inquisitorial authority? No, Sir. That distinguished individual was literally put to the rack; all was silent; nothing of the Spanish inquisition, nor even an emotion of sympathy for the breast of his political enemies. Did his friends resist the call, blazon forth his fame, or attempt to give his reasons, or his motives for which he was alone liable to his God? Not they suffered gentlemen to go on, to push their inquiries, relying upon the honesty of the man whom they believed, when examined, would be found wanting the virtues of a Socrates, to the sterling integrity of a Cato. They relied upon his honesty, as upon a rock; and I am proud to say they relied not upon a sandy foundation. Nor did he take shelter under the phraseology of the call, but gave every thing in his power, involving facts, reasons, and motives, and threw himself upon the justice of the House. I may be reminded that the act incorporating the United States Bank, directs the deposit of all public moneys to be made in the parent bank or some of its branches, unless the Secretary of the Treasury shall otherwise order; in which case he shall lay before Congress his reasons for such order. I admit this law authorized the call for reasons, but not for motives. If Congress possess the power by law, to direct a particular act to be performed, and to require, at the same time, the reasons which may influence its officer in the performance, may we not, with the same propriety, call for those reasons after the performance of the duty? Certainly, as the call is not made with any view to implicate the individual criminally, and cannot, therefore, be considered *ex post facto* in its character.

I think, Sir, I have succeeded in shewing the examples I gave of abuse, are sustained by facts; that although the printers who publish the laws are not officers, they have heretofore been continued on the same principle, and for the same purpose—a faithful discharge of duty. That the appropriation was not intended by Congress to be converted, as it has been by the Secretary, into patronage; that there is no analogy between this case and that of Executive nominations to office, a legitimate exercise of patronage, and that this call is sustained by precedent. Here I should leave the matter to the decision of the House, but for the necessity of pursuing the gentlemen who have spoken against this resolution.

I will, first, Mr. Speaker, notice the remarks of the gentleman from Kentucky, (Mr. Buckner,) which were intended, I suppose, for my especial benefit, as a castigation for my temerity in presuming to question the conduct of his friend, the Secretary of State. I will say to the gentleman, whatever my sense of public duty may require, I shall not be deterred from it by any fear of his lash; nor shall I be induced to it from any hope or wish for his approbation. He has given us a high wrought eulogy upon the character of his friend, and at the same time, as his fame rested upon a basis not to be shaken by the breath of his enemies, or increased by the adulation of his friends. I have no wish to injure the honestly acquired reputation of the Secretary of State, or of any other man, I would not, if I could, I could not, if I would. Yet, Sir, what I shall continue to hold a most here, and he shall be entrusted with a public duty, which, in my judgment, he abuses, I shall use my feeble efforts to bring them to light, though it may, in the estimation of the gentleman, add to the brightness of his character. The gentleman has thought proper to remind us, that whilst those, guided on by disappointed ambition and feeling of rancorous opposition, who make these attacks upon the Secretary, shall have been swept away, and forgotten, his fame will rest upon the brightest page of his country's history. I trust, Sir, I have a laudable ambition, yet I have not the vanity to believe, that any humble part it may be my lot to perform upon this stage of action, will transmit my name to after ages. I would prefer, however, that my memory should sink into oblivion's deepest abyss, so deep that no whisper should reach the surface, sooner than live as some insects will live in the heraldry of fame. Yes, Sir, history will indeed tell posterity that they have existed, and damn them to eternal fame for the part they have acted. I covet not such immortality.

The gentleman supposes that, when a particular individual shall be elected to the Presidency, we shall then hear nothing more of these calls for abuses that all will be right and proper. I trust there will be no just cause for these inquiries, and if there should, I have no doubt persons will be found ready and willing to urge them. He tells us there will be happy days, a political millennium, but that he will feel content should he escape the operation of the second article of the rules, and regulations adopted for the government of the army. The gentleman need be under no apprehension, as that rule was intended for the punishment of spies, and he will do him the justice to say, I should not expect to find him in an enemy's camp, whether a foreign or domestic enemy; and I

regret to find the gentleman attempting to sustain the conduct of those, whom I suppose he considered at the time, as meriting punishment, if not in the summary mode authorized by that article, one equally severe and certain.

The gentleman has also brought into this discussion the principle of difference between those who support and oppose the present administration. This, I suppose, has been introduced for effect or embellishment, certainly not for any relevancy to the matter under debate. He tells us that the administration are the friends of Internal Improvement, and Manufacturers, that they are the great cause of difference between those who constitute the exclusive friends of the administration, and the rancorous opposition. Now, Sir, I had always understood that, as to Internal Improvement, the difference was as to the constitutional power; and that there were to be found the advocates of this power, as well among the opponents, as the supporters of the existing "powers that be." That if it be a constitutional question, I hardly suppose any man would be found willing to surrender his judgment or his oath, at the shrine of any President. If those opposed to this administration, who are friendly to this exercise of power, complain, it is at the improper manner in which the appropriations have been expended, the false inducements which have been held out, and which cannot be fulfilled. If the subject of Manufacturers be a principle of difference, then the gentleman from Kentucky is in an unfortunate situation; for though he may have voted for the Tariff of 1825, he voted against the one which has just passed, because I suppose it was an unprincipled Tariff, sectional in its benefits, and general in its burthens. I leave the gentleman to settle this matter with his friends, and as to effect, the people will determine.

Both the gentleman from Kentucky, (Letcher & Buckner,) and the gentleman from Ohio and Maryland, (Wright and Dorsey,) have referred to the practices of Mr. Jefferson. The first gentleman told us he understood human nature perfectly, and always took care of his friends; the second gentleman deemed him worthy of imitation, and gave particular examples of abuse, to cover, I suppose, the conduct of the present Secretary. The reputation of that distinguished individual withstood the sponge of his contemporaries, though dipped in the bitterest gall, from the sarcasms of the now President, flowing in doggerel verses down to the petty revilings of the gentleman now from Ohio, then of New York; and I trust it may not suffer at the hands of his professed followers.

(Here Mr. S. was interrupted by the expiration of the hour.)

Mr. Speaker, The example of Mr. Jefferson does not justify the course pursued by the Secretary in regard to the publication of the laws. The cases adduced were appointments to office, which were made in obedience to the verdict of the people themselves, and in accordance with the sentiments of the day. In no case, from the year 1799, down to the present, has any Secretary, in directing the publication of the laws, attempted to control or influence the press. It was amongst the first acts of Mr. Jefferson's administration, to remove the shackles which had been imposed upon it, and to leave it free; he went upon the maxim, that whilst reason was left free to combat error, neither the religious or civil rights of the people could be endangered. It is to sustain this principle—to keep the press free and beyond the reach of temptation, that this matter is now urged upon the attention of the House. For, Sir, I am frank to say, if we are to have a general press, as it was designated by the late Secretary of State, or a vassal press, as seems to be the policy of the present Secretary, to make it, then I prefer the former with its licentiousness, to the latter, with its venality, its adulation and its subserviency.

I would ask, if it is the policy of the present Secretary to restore those to authority, who had been displaced by Mr. Jefferson or Mr. Madison? If such be the policy, and that it is with the Executive, as far as he dare go, I have no doubt, then let it be avowed in a tangible shape. And here, Sir, permit me to notice a remark which fell from the gentleman (Mr. Dorsey) from Maryland. That gentleman, in referring to a correspondence, which passed some years ago, between General Jackson and Mr. Monroe, said that the sentiments contained in it, operated like incantation upon the Federal party, who had been denuded and prostrated, and who yielded to the standard of General Jackson in the late contest for the Presidency, en masse, though he acknowledged he was not of the number. He must also acknowledge that the Hartford Convention men were not of the number who discovered, I suppose Baniola's ghost, in the famous second section, or perhaps, like himself, a speck of war glimmering in the horizon. The gentleman did not belong to this class, nor, I would feign hope, to the class of their approvers; yet he, with them, remained steady in support of the Faneuil Hall Chairman, where I shall for the present leave them. I will state my interpretation of the sentiment alluded to, that it was neither one of general invitation or proscription. Nor am I, Sir, to be understood as saying, that I should wish to see those who differed from the old Republican party proscribed. I am free to say that there are Federalists of high character, of pure intentions, and of ardent devotion to the country—of that class, who sought not in times of peril to add to the difficulties of their country; and to this class belongs a valued friend now in my eye, (Mr. McLane of Del.) who were willing to refer the great question of peace or war, to the councils of the nation, and when it had determined that the Baboon should be crossed, to find on their knapsacks and march, not under the banner of a Caesar to trample on the liberties of their country, but to sustain its rights and defend its soil—not by marching up to the letter of the Constitution, and looking an enemy in the face, but to the field of battle. These, Sir, are the men who deserve the confidence and the honors of the nation. But that class who on this floor, sought to paralyze your efforts, who used their talents to defeat the necessary ways and means for a vigorous prosecution of the contest in which the country was engaged, who, from this floor sought to scatter murmurs and discontent amongst the