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THIRTEENTH CONGRESS OF THE UNITED STATES.

DEBATE

ON THE CASE OF GEORGE RICHARDS, STENOGRAPHER FOR THE FEDERAL REPUBLICAN.

Monday, May 31.

Mr. WRIGHT was opposed to any reference of the petition at all. It was a subject belonging peculiarly to the Speaker himself to decide on. The words of the rule of the house were—"The speaker may admit stenographers wishing to take notes," &c. The admission of them was a mere indulgence, which the speaker might extend to such persons as he thought proper. It might not be the right of every editor in the United States to send a stenographer into this house; and he believed the honorable speaker would feel no hesitation in declaring the motives which induced him to exclude the petitioner. Mr. Wright felt himself warranted on this occasion in making one or two remarks in relation to the paper to which his application had been made. He said that it had been the practice of publishing a short of speeches on one side only.—Who were the editors of this paper? It was not known. They did not appear on the face of the paper. In a letter of Cobbett to the Prince Regent he had declared that these men were in British pay; that the Federal Republican was conducted under British influence. They had not thought proper to institute a suit against Porcupine for this charge. A similar charge had been made by the papers in this country. They had instituted a suit against one of them, "The American;" but, as he had been informed, had discontinued it. Mr Speaker, I recollect a speech of your's, which ought to have been recorded in letters of gold; it was sought after with avidity; but it was not to be found in the Federal Republican, for whom this Mr. Richards was reported. Was this fair or impartial conduct? Mr. W. adverted to an article, in which the editors of the Federal Republican had recommended any man, whose letters had been opened by the American agent for cartels at Annapolis, to horsewhip the president for it. He also read part of an article which appeared in the Federal Republican of this morning, in relation to the defence of Baltimore, and reprobated it in strong terms. The nation would applaud the decision of the speaker on excluding this stenographer from the house.

Mr Hanson had hoped the question would pass off without the necessity of any interference on his part—thus saving his breath. Being in such a state of extreme debility as to forbid any more personal or intellectual exertion, he would gladly have been relieved from the necessity of taking a share in the debate. But he could not look on with indifference, betraying a treacherous supineness, while other gentlemen bore the heat and burthen of the contest. Such a course would expect him to a suspicion of something more than laziness. No—he was constrained by peculiar circumstances to take the floor—he felt himself bound to enter his protest against an act, in his judgment arbitrary and oppressive, partial and unjust; oppressive as related to the very respectable gentleman petitioning for relief and partial as regarded the minority and a large body of people in a considerable section of country, accustomed to look for information exclusively through that channel, now arbitrarily attempted to be blocked up—That the circulation of the Journal in question, he believed exceeded that of any other in the union.

Mr H. then stated the circumstances of the case, the admission of Mr. Richards last year, and the arrangement which now excluded him, confining the admission of Stenographers to three democrats and one federalist, who was only a reporter, nominally giving a rough sketch of the proceedings, but not pretending to write out debates. The talents with which the paper (the Alexandria Gazette) was conducted, and the respectability of the editors he admitted, but it was a mere mockery to say the speaker had given the minority a reporter, while the treasury bench had *three* reporters.

Mr Hanson referred the House to the Journals of the 1st session of the 7th Congress, when the subject of admitting Stenographers was first taken up. He stated that case at length, which he omitted for the want of room.

He then asked, after this decision, when all the old members now in Congress on the other side of the House, were against giving any discretion to the Speaker, but adopted the imperative language, "the Speaker, (as agent for the House) shall admit Stenographers, and shall assign them places on the floor," and having resisted after repeated attempts to modify the rule, so as to give any discretion to the Speaker, in limiting the number or saying who they should be. After this, and when so much has been often said about the federal reign of terror, is it now attempted to exclude the stenographers of our party, & to keep information from the people. Stenographers might be banished to the gallery, because obnoxious to that side the house & this side of the house, entitled to equal rights, might be put to inconvenience, but the light of truth could not be shut out from the people. It might as well be attempted to supercede by a visionary human code, the fixed laws of nature. To change the principles of gravitation, and cause lead to ascend or sparks to fly downwards. It might as well be attempted to shift the bed of the Chesapeake, or change the course of old Potomack, as attempted to crush the spirit of opposition, to stifle investigation change the nature of truth, or shut out its light from this people. Vain expectation! You may bar up your doors, nail down your windows, block up the chimneys, stop every crevice in this spacious hall, cork even the key hole, still will the rays of resistless truth, pierce these solid walls and shed their light upon the land.

Mr. H. said, in relation to government, the people, their rights and immunities and public liberty, he confessed he entertained some old fashioned republican opinions not yet grown entirely into disuse, which he *could not* shake off or exchange for the new frangled notions of modern times. He need not remind the house, that as yet no privileged order was known to the *writ, constitution* of the country. That its framers contemplated mildness, equality, equity and justice, as the distinguishing characteristic features of all laws enacted, and rules and regulations made in its virtue—not for the particular exclusive convenience of a favored class of the community, whose passions and domineering dispositions are to be gratified at the cost of others rights. He need not remind the house, that as yet no written or known law existed, to dry up the fountains of intelligence, or confine the use of their wholsome waters to the king, his household and the tumultuous retinue at his heels who keep the requisite supply of *lip service* and "*eye service* which the *worldlings* pay to power." He need not tell the chair, that the press in this free country, as yet, had no prefect set over it by law, and he cherished a devout hope that the house, constituted even as it was, would think none necessary tho' the anointed should sigh for the distinction of being placed at the head of the prefecture.

Mr Hanson said, when the celebrated Roman usurper had passed the Rubicon, and was tracking his way to the capital, to possess himself of the treasury, he was met at the door by a stubborn tribune of the people, who alledged that the principles of a free form of government, that the laws were against such an outrage. "The *laws!* the *laws*," said Cæsar—"*arms* and *laws* do not flourish together. If you are not pleased with what I am about, you have only to withdraw.—Indeed war will not bear much liberty of speech. You and all whom I have found exciting a spirit of faction against me, are at my disposal." Had you sir, been Metellus, said Mr H how would you have acted? Had I been Metellus, I would have told the usurper, "*I am not pleased with what you are about*, but I will not *withdraw*. I will do my duty to the people, and maintain the laws of my country—at the same moment I would have struck down the daring usurper. All who are found exciting a spirit of faction against me, are at my disposal, and shall be treated accordingly!" How like the language of the present day. A spirit of *faction!* a spirit of faction against usurpation tyranny, oppression and lawless violence. "They who are not for me are against me, and shall be treated accordingly.

They who continue to exercise the freedom of speech, to assert and maintain the liberty of the Press, to support the constitution in its pristine unsunned purity—they who constitutionally oppose the worst acts of a bad administration, are to have their voices stifled by "the cord of justice." For one, I shall defend my rights at every hazard.

Mr. H. said, he knew the power of the chair, and was not ignorant of the source from which it was derived—from the same originally pure and healthful fountain, from which also flowed his rights as a member of the house, & the rights of the humblest individual out of it. To rules and regulations, constitutionally adopted for the government of the house, and impartially and constitutionally enforced he would pay at all times, a scrupulous and implicit obedience, but he would resist oppression, he would part with his mortal power of respiration, with his last breath, short as might be the number of his mortal days, before he would submit to the slightest encroachment from authority—he would meet opposition in the eye. A rule of the house had none of that plastic virtue, —was not that convenient thing which could be converted into a sort of political parasol, to be distended and collapsed as caprice or expediency might suggest, to shelter one side of the house from the rays of authority, while the other was left bare headed and exposed to the scorching beams of royal indignation, to the peltings of the pitiless storm.

He said, if the act of which the minority, possessing equal rights with the majority, complained so justly, was done under a rule of the house, and that rule had been abused, it was in the power of the house, for the furtherance of justice. to dispense with, enlarge or abolish it, so as to extend the relief prayed for. He supposed the case of a new order of things, compelling the Speaker to give way to a successor of different political persuasion, and asked how the gentlemen on the other side of the house would feel, would *act*, if no other stenographers were admitted in the house but those agreeable to the majority? The country would ring with their complaints—the clamor would resound through the union. And yet, such was the case with the present minority, excepting a nominal reporter. How then ought they to feel—how *act*, when thus trampled on, by an overbearing majority, disposed to put their heels upon their adversaries' necks, whilst protected in their own rights?

Mr H. concluded by saying, he knew he forgot what he owed to his own character, in noticing the aspersions of the member from Md. (Mr. Wright) but he had no hesitation in pronouncing the charge of foreign influence against the FEDERAL REPUBLICAN, a base calomny.

Mr. WRIGHT said, he had stated that the paper appeared to have no Editors; that Cobbett had told the Prince Regent that its putative Editors were in British pay. He had stated that he had been informed the "American" had charged them with being under British influence; that they had instituted a suit against the Editors of that paper, but had discontinued it. The gentleman (Mr. Hanson) could tell whether the information was true or not. He had thought it his duty to state it. If he had wounded the feelings of any gentleman, he knew where to seek the remedy.—[The speaker called to order.] He had not said whether he believed the charge, but he would now tell the gentleman that he did believe the Editors of the Federal Republican were under British influence; that the paper was corruptly published; and what he conscientiously believed, he was prepared to seal with his blood.

Mr. Hanson resumed in the following manner:

"In his beautiful little poem, entitled *Retrospection*, Cumberland some where says—,

"I've heard, and silently sat by the whilst,
Dogmatic ignorance, when proudly back'd
By an imposing gravity of face,
And copious flow of enatorial wig,
Past off for argument, and seen withal
The *sycophant*, who in his heart despis'd
And ridicul'd the nonsense, smile assent."

Now, sir, once for all, I wish it to be distinctly understood, that nothing which can fall from that quarter, (pointing to Mr. Wright) nothing which that member can think, utter or do, can possibly disturb my breast, or make the slightest impression upon my feelings. This is the first and last time I can bestow upon him any notice whatever. The charge of foreign influence I again pronounce groundless and false. The ravings and wild effusions of Cobbett, I have never read, nor regard more than the ravings of the member, still less should I think of travelling to England, or *Baltimore* in pursuit of justice; although it is proper to say, the suit against the American has never been discontinued with the knowledge or privity of the Editors. In Boston a specific charge of corruption was made by two ministerial Journals, and quickly after the impetration of a writ on an action of slander, the allegation was retracted and a full apology publicly made.—The names of the Editors were long ago in possession of the member, and could at all times be obtained when asked for.—Mr. H. being exhausted took his seat.

Mr CLAY (Speaker) after observing that, in his opinion, an importance had been given to this petition which did not well comport with the dignity of the house, stated the ground on which the decision had been made by him of which the petitioner complained; which was simply this: that in consequence of the recent alterations in the house, seats had been arranged for but four stenographers and to those places he had assigned the applicants according to seniority; all of whom having been of longer standing than Mr R. he had by this arrangement been excluded. If the house should deem it proper to admit others than those now on the floor, he hoped they would designate the stations they should occupy, &c.

Mr. GASTON said, he was one of those who had voted for a reference of Mr. Richards's petition to a committee of the whole. He deemed the subject deserving of every attention, because it was intimately connected with the first principles of a republican government, freedom of dission and publicity of proceedings. He had also been desirous to afford the Speaker an opportunity of explaining the motives which had governed his decision. He had not believed that these motives were of the kind which had been confidently anticipated by a political friend of the Speaker's, in his vehement opposition to the reference. He had not supposed it possible, that the Spraker of the House of Representatives could lend himself, in his official capacity, to the suppression of an obnoxious paper. He rejoiced to find that his opinion in this respect was well founded.

The Speaker has explicitly informed us, that his determination was influenced solely by a regard for the convenience of the house. The motive was assuredly correct, and if the opinion in which it led varied from that of the committee, this variance should excite no surprize, nor should a decision on their part favourable to Mr. Richards, be viewed as overruling or implicating the decision of the chair. Charged with the responsibility of superintending the convenience of the house, it was natural for the Speaker to lean, he ought to lean, to the side of those whose accommodation it was his province to consult. But when a direct application is made to the members themselves, a scrupulous apprehension of possible inconvenience cannot operate. In the chair, it is a proper and becoming sentiment—in the members themselves it would evince an overweening selfishness, neither liberal nor dignified. An objection had been intimated by the gentleman from S. Carolina, (Mr. Calhoun) tho' it had not been *pressed*, that the applicant in the technical sense of the word, was not a *stenographer*.—Mr. G understood that Mr. Richards did not write short hand. He made brief notes of the remarks of gentlemen, which enabled him aferwards by the assistance of his memory to write out their speeches entire. In this he had shewn an accuracy which gentlemen on all sides had highly commended. But Mr. Richards comes as completely within the letter of the rule, as three out of four of the reporters already on the floor, for but one of them it is understood writes short hand; and as completely within the spirit of the rule as any of them. The object is to report correctly the debates of the house, and it cannot be material whether that object be effected by an abridgment of each word, or by an abridgment of the sentences of the Speaker. Did the illustrious Dr Johnson, report the debates of the British parliament with less ability or less correctness because he did not write short hand? Would we refuse to *him*, if now an applicant, the permission granted to those we see in the boxes, because he was not a stenographer?

Mr. G. hoped that the session would commence with an act of liberality on the part of the majority which he could not but believe would have an auspicious effect on the future proceedings of the house. Majorities are frequently tempted to exercise their power with a high hand. Minorities always suspect them of a disposition to oppress. A jealousy on this head will exist; often an unfounded jealousy. Let it be removed early by a course of conciliation, and a different sentiment is inspired. Forbearance on one hand, will inspire courtesy on the other, and altho' differences and important differences would yet remain, yet a spirit of generous contest will forbid all unnecessary altercation or wanton opposition. On his feelings he was certain such an impression would be made—and he could not but believe it would also be made on those of the gentlemen with whom he was accustomed to act.

Mr. WEBSTER was glad that the speaker had treated this subject on the ground of inconvenience *only*. The reasons which he had given for the exclusion of the petitioner, were such as he should have expected from a person filling the chair of this house. He thought that the petitioner might be admitted without inconvenience; and as he had not been charged with unfairly reporting the proceedings of the house, as he reported with ability, he hoped he would be admitted. The true ground to put the question upon was its practicability. If the reporter abused the indulgence shown him, there were enough in the house accustomed to watch with a guarded vigilance, the proceedings on this side the house, not to let slip an opportunity to urge their complaints. (Mr. Webster spoke with energy and dignity.)

Mr. CALHOUN denied the position that there was room sufficient, and he did not see how the speaker could act otherwise. He thought it would be highly improper to assign him a seat on the *floor*; this would be making a privileged stenographer, and giving him advantages which none of the others possessed. He would have an opportunity of overhearing the private conversation of members, as he would have to be placed in a situation where gentlemen resorted to to express their opinions of pending measures, and then he would be able to penetrate all their measures. He thought the gallery a proper place; the debates could be as well heard in the gallery as any where, and writing be done with equal velocity. The particular qualities of ability, and impartiality had been much dwelt upon—he denied both. The debates in that paper had been confined to one side, and it was well known the gentlemen did not write short hand, but was merely a note taker, &c. He did not make use of this as an argument against the admission of Mr. Richards, but as his friends had grounded his claim upon superior talents and impartiality, he could not do less than bring the true state of the affair before the house.

Tuesday, June 1.

The case of *George Richards* was again brought up.

Mr. BIBB's amendment was put and lost 70 to 75.

Mr. STOCKTON of (N. J.) moved to strike out "*additional stenographers*" and insert "additional accommodation be made in the gallery for stenographers.

Mr. BIBB moved to strike out the whole of the resolution from the word resolved, and insert "that the prayer of the petitioner ought not to be granted."

Mr. CALHOUN spoke with some warmth against the petition, urging that the speaker was not to be reduced to the level of the petitioner—that he claimed a seat as a matter of right—whence these high pretensions—he had been *excluded* by an arrangement of the speaker, as if he had a right to be admitted, he denied the qualifications of Mr. Richards as a stenographer, upon the score of ability and impartiality.

Mr. GASTON said he rose with reluctance, to claim the attention of the house. He was sensible that the discussion had been prolonged until it became fatiguing. He was unwilling also to be accessary in bringing down upon the house a repetition of the sentence, which a self-created Censor had pronounced against them, of having "lost a day." But he was disposed to examine the train of argument which had been pursued, by the hon. gentlemen from South Carolina, with an ingenuity and a plausibility which rendered it deserving of notice. He had listened to the gentlemen with attention—with freedom from bias—but certainly not conviction. A fallacy pervaded the whole of his argument. It was to be found in every of his premises, and necessarily led to error in his conclusion.

It is assumed by the gentlemen, as a first principle, that the Speaker of this House is irresponsible except for wrongs done to the members