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THE EARLY
CONGRESSIONAL DEBATES

— AND —

REPORTERS.

— BY —

SAMUEL OPPENHEIM,

OF NEW YORK.

[A Paper read at the Fourteenth Annual Meeting of the New York
State Stenographers' Association, held at Alexandria
Bay, N. Y., August 20th and 21st, 1889.]

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THE EARLY
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By SAMUEL OPPENHEIM, of New York.

Jan. 21, 1897

AN examination of the various shorthand publications reveals the fact that, with the exception of a few slight references to Gales and Seaton, no account is given in any of them of what was said and done in Congress, after the adoption of the Federal Constitution, in regard to reporting the early Congressional debates. It may be of interest, therefore, to present a brief outline of the proceedings on this subject, as they appear scattered through numerous volumes, and covering a period of forty years. The remarks of the speakers, as given in this paper, have been condensed to a considerable extent.

The first book in which the debates were published is the "Congressional Register, or the Proceedings and Debates in the First House of Representatives," (N. Y., 1789-91,) in three volumes, by Thomas Lloyd, a shorthand writer of some note in his time. A few facts in regard to Lloyd may be of interest. In 1788 he reported the debates of the Pennsylvania Convention, called for the purpose of ratifying the Federal Constitution. It seems that he had applied to the convention for the place of assistant clerk, and when his request was refused, he determined to report the debates and print them on his own account. His advertisement promised that the debates should be taken down accurately in shorthand. His report, when published, was somewhat meagre, and it is claimed

that he was bought up by the Federalists. This claim, however, is only supported by the circumstantial evidence that he simply printed the speeches of a few members. In 1789 he reported the debates of the first Federal Congress of the United States, and his report was adopted by Gales and Seaton, when they made their compilation of the proceedings of the early Congresses. It is spoken of by Van Buren in his "Political Parties," p. 191, as "tolerably full and obviously fair," and is also referred to in the debates themselves, and commended. Lloyd is mentioned, in an article entitled "Early Shorthand in Philadelphia," (*Jour. Franklin Inst.*, Vol. 104, p. 253,) as one of the first shorthand writers in Philadelphia, and as a local reporter there for many years. In that article it is stated that about the time of the first Congress he returned to England, his native land, and published some of the debates, for which he was thrown into Newgate as a political prisoner, and remained there for five years. In 1796 he appears to have been in the United States, for in that year he presented a petition to Congress to be allowed to report the debates. He also reported various trials, among which was the celebrated trial of Thomas O. Selfridge, for murder. In 1793 there was published a book entitled "The System of Shorthand practiced by Mr. Thomas Lloyd in taking down the Debates of Congress, and now (with his permission) published for general use by J. C." The full name of J. C., the editor, is not given. J. C. states that under date of December 25th, 1790, he gave Mr. Lloyd an obligation, binding himself, under the penalty of £500, not to disclose his scheme, or any part thereof, without leave, and that, on Mr. Lloyd's departure to England in 1791, he had his full permission to publish and teach it. I regret that I have not been able to see a copy of this book, but an examination of "Rockwell's Literature of Shorthand," shows that the alphabet is precisely the same as that of Ashton & Graves of 1775. Lloyd, in 1819, published another edition of this work, under the title of "Lloyd's Stenography," which he describes as having been publicly practised by him for nearly half a century, and as containing his latest improvements. Another edition appears to have been issued in 1835. Any other facts in reference to him must be peculiarly interesting to American shorthand writers, as, I believe, he has the honor of being the first who stenographically reported the Congressional debates. It may be

well to mention here that there is no record of shorthand being used to report the debates in the Continental Congress.

The principal stenographic reporters of the early Congressional proceedings were Thomas Lloyd, Joseph Gales, Sr., Thomas Carpenter, Samuel Harrison Smith, Joseph Gales, Jr., and William W. Seaton, and to them the country is indebted for a record of the speeches made in its legislative halls during the early part of its history. Besides these men, of course, there were quite a number of others who, at various times, took notes of the debates, and whose reports were published in the newspapers, but I can find no record of their using shorthand.

Thomas Carpenter appears as a stenographer, who reported and published the proceedings of Congress, during 1796 and 1797, in a book entitled "The American Senator." His name is also mentioned in the proceedings in 1800. Edmund Hogan and David Robertson are mentioned in the debates as applicants, in 1795 and 1796, for appointment as stenographers to the House. The action of that body on their applications I have incorporated in the body of this paper. Robertson was considered to be a very competent stenographer. He reported and published the debates in the Virginia and North Carolina Conventions of 1788, and both he and Carpenter subsequently reported the trial of Aaron Burr. In the title-page of his report of Burr's trial, Robertson describes himself as a member of the bar. John Fenno, the editor of the *United States Gazette*, is also referred to in one of the debates as a reporter, but I cannot find that he wrote shorthand. Allusion is made by some of the speakers, to William Duane, who became the editor of the *Aurora*, as a stenographer who reported the debates. James T. Callender is also mentioned in McMASTER'S "History of the United States," as a Congressional reporter in 1795, but it is said he distorted the truth, and that his reports were unreliable.

The elder Gales came to this country from England in 1793, and on his way to America studied a system of shorthand which is said to have been the Gurney system. He was first employed as a printer. After being engaged in this occupation for a short time, he was requested by the proprietor of one of the newspapers which published the Congressional proceedings to report them for him; and his success in giving on the next day a long and faithful report of

the previous day's proceedings was considered as miraculous for those days. He subsequently became the proprietor of the *Independent Gazetteer*, which he conducted until 1799, when it was turned over to Samuel Harrison Smith, who, in the year 1800, followed the government to Washington, where he established the *National Intelligencer*, which became one of the great political papers of its day, and which published the debates. In 1810, Smith, whose name appears in the debates several times, took into partnership with him the younger Gales, (who had learned the same system of shorthand as his father, and who had entered the office of the *Intelligencer* in 1807, as a reporter,) and shortly afterward retired from the business, becoming President of a branch of the United States Bank at Washington. In 1812, William W. Seaton became connected with Joseph Gales, Jr., and the partnership was thereafter known as Gales & Seaton. From 1812 to 1820 these two men are said to have been the only reporters for their paper. In doing their work in Congress they had the exceptional honor of having seats assigned to them beside the presiding officer. Gales reported in the Senate, and Seaton in the house. They gave only running reports of the debates at that time, but on important occasions would take full notes of speeches. If it had not been for the presence of Mr. Gales Jr., the great speech of Webster, in his memorable debate with Hayne in 1830, would have been lost to posterity. He had about that time abandoned the practice of reporting, and the full reproduction of an oration was an exception to the custom of his office; and it was only at the special request of Webster that he consented to take notes of that speech. The original transcript of the notes forms a volume of several hundred pages, and, corrected and interlined by the statesman's own hand, has been carefully treasured by the Gales family. Many of the speeches delivered in our early Congresses would never have been preserved but for the efforts of these two men and the elder Gales, in collecting them and adding their own reports. Their own stenographic notes of important debates, which could not be published at the time, were filed away for future reference and use. There was no public record of them, and they would never have seen the light but for the labors of these men in writing them up.

For the proceedings and debates of both houses, from 1789 to 1824, the usual reference is to the "Annals of Congress," in

forty-two volumes, which were compiled by Gales and Seaton, who were for a long time the Public Printers. These books contain one of the main sources of information as to our earlier Congressional history, and were printed under the authority of the act of March 2, 1831, and the subsequent subscription of Congress for a large number of copies. From 1824 to 1837, Gales & Seaton's "Register of Debates" in twenty-seven volumes, are the standards of reference, in connection with the "Congressional Globe" for the period from 1833 to 1837. The "Congressional Globe" which was conducted at first by Francis P. Blair and J. C. Rives, and later by Rives alone, and others, continued to publish the proceedings until 1873, when it was succeeded by the "Congressional Record," published at the Government Printing office.

The first session of Congress was held in New York on March 4th, 1789, but it was not until the 1st of April of that year that a quorum appeared in the House, and not until the 6th that it appeared in the Senate. With the exception of during a discussion on the contested election case of a senator from Pennsylvania, when the galleries were opened by a special order, the Senate sat with closed doors from 1789 to 1794. On the 20th of February, 1794, a resolution was adopted by that body providing that after the end of the then session, or, as soon as suitable galleries should be provided for the Senate Chamber, the said galleries should be permitted to be opened every morning so long as the Senate should be engaged in its legislative capacity, unless, in such cases as might, in the opinion of the Senate, require secrecy, after which the said galleries should be closed. The proceedings of the Senate were kept in its journals during the time it sat with closed doors, and no shorthand writer reported what took place. One of the members, however, William Maclay, kept, during his term of office, a diary of the proceedings, with his observations thereon, and this was published in 1880, under the title of "Sketches of Debate in the First Senate of the United States," April 24, 1789, to March 3, 1791. From these sketches it appears that during the period covered by them, two resolutions were offered to open the doors of the Senate to the public, but failed of adoption. Until 1799, the newspapers gave only meagre accounts of the proceedings of the Senate.

The debates and proceedings of the House of Representatives,

from 1789 to 1794, (during which time the Senate doors were closed), as well as thereafter, were fully reported by some of the newspapers. The reports, however, were often partisan in character, and were not always correctly printed. This gave rise to much dissatisfaction, and complaints were soon made.

On the 26th of September, 1789, a debate took place in the House of Representatives regarding the manner in which the proceedings were published. The following resolution had been introduced on the 21st of the month by Mr. Burke:

“*Resolved*, That the several persons who have published the “debates of this House, in the *Congressional Register*, and in the “newspapers of this city, have misrepresented these debates in the “most glaring deviations from truth; often distorting the arguments of the members from the true meaning; imputing to some “gentlemen arguments contradictory and foreign to the subject, “and which were never advanced; to others remarks and observations never made; and, in a great many instances, mutilating, and, “not infrequently, suppressing whole arguments upon subjects of “the greatest moment; thus throwing over the whole proceedings a “thick veil of misrepresentation and error; which being done within “the House, at the very foot of the Speaker’s chair, gives a sanction “and authenticity to those publications, that reflect upon the House “a ridicule and absurdity highly injurious to its privileges and “dignity;

“*Resolved*, That to misrepresent the debates the House, whether “it arises from incapacity, inattention, or partiality, has a mischievous tendency to infringe the freedom of debate, and that this “House should no longer give sanction to it.”

This resolution was supported by references to the misrepresentations and blunders which had been printed, none of which, the editor of the report says, he had the opportunity of taking down.

MR. STONE* defended the report made by the *Congressional Register*, (published by Lloyd), and attacked the newspaper reports which, he stated, put into his mouth sentiments that his heart never felt, nor his head comprehended. The *Congressional Regis-*

*The following is a list of the Congressmen whose names appear in this paper as taking part in the debates referred to therein: John Allen, Conn.; Abraham Baldwin, Ga.; I. Bartlett, N. H.; John Beatty, O.; E. Burke, S. C.; Theodore T. Davis, Ky.; Henry Dearborn, Mass.; Albert Gallatin, N. Y.; John W. Campbell, O.; John Forsyth, Ga.; Elbridge Gerry, Mass.; Ezekiel Gilbert, N. Y.; William B. Giles, Va.; Roger Griswold, Conn.; Matthew Lyon, Vt.; James C. Mitchell, Tenn.; Senator William H. Harrison, O.; R. G. Harper, S. C.; John Heath, Va.; Wm. H. Hill, N. C.; James Hillhouse, Conn.; Senator R. M. Johnson, Ky.; Richard B. Lee, Va.; Michael Leib, Pa.; Peter Little, Pa.; Wilson Lumpkin, S. C.; Nathaniel Macon, N. C.; James Madison, Va.; John Nicholas, Va.; Joseph H. Nicholson, Md.; Harrison G. Otis, Mass.; John Page, Va.; John Randolph, Va.; John Rutledge, S. C.; Theo. Sedgwick, Mass.; Samuel Sewall, Mass.; John S. Sherburne, N. H.; Wm. Smith, S. C.; Samuel Smith, Pa.; M. J. Stone, Md.; Theo. Sumter, S. C.; John Swanwick, Pa.; Zephaniah Swift, Conn.; George Thatcher, Mass.; Theo. T. Tucker, S. C.; John C. Weems, Md.; Alex. White, Va.; John Williams, N. Y.; David Woodcock, N. Y.

ter, however, he believed to be free from misrepresentations, other than sometimes changing the mode of expression or emphasis of language, which he presumed was unavoidable or necessary when gentlemen delivered their sentiments on the floor without system or grammatical precision.

MR. GERRY said that the publications had a tendency to exalt some members and to depress others, and attributed this condition of affairs to the inability or inadvertency of the reporters. One thing struck him as remarkable, and that was, that all the arguments on one side were fully stated, and generally took up some columns in the newspapers, while the arguments on the other side were partially stated and condensed to a few lines. This, he believed, could not proceed from the arguments not being heard, because gentlemen on the one side generally spoke as loud as gentlemen on the other. The printers of the reports, he urged, had it in their power, by misrepresentation, to make whom they pleased ridiculous in the eyes of the world, or to exalt those whose sentiments they favored; and they could thus become one of the most dangerous engines in the hands of faction, and have a malignant and mischievous influence upon the public voice of America. Notwithstanding all this, however, he was in favor of disseminating useful information by an accurate and impartial publication of the speeches.

MR. PAGE objected to driving the reporters, who were at the foot of the speaker's chair, into the gallery. He looked upon such a measure as the first step toward driving them, and all other hearers, out of the House. He thought that those who had reason to complain that they were held up in a ridiculous light had a sufficient revenge by the severity of the motion, and he hoped it might induce more accurate and impartial sketches of the debates in the future. But he would rather submit to all the inconveniences of ridicule than sacrifice what he thought a valuable publication of useful and interesting information to his constituents.

MR. BURKE referred to the fact that though the debates in the British Parliament were published by men who obtained access to the galleries, they were not sanctioned by that body, and he would be content if they were taken in Congress in the same way.

MR. LEE thought there was an impropriety in admitting short-

hand writers to publish the debates by the declared authority of the House, but he was far from objecting to their publishing them, as had theretofore been done, by tacit consent.

MR. MADISON thought it improper to throw impediments in the way of such information as the House had theretofore permitted from the purest motives; but he believed it equally improper to give the publication of the debates a legislative sanction, because it would be making the speakers, in some instances where they were misunderstood, answerable for sentiments they never entertained. He had seen in the newspapers some very great misconceptions of what fell from him, but he had no reason to believe it was done in order to cast a veil over his declarations, or to pervert them with the intention of making him ridiculous. If anything was done which tended to give a sanction to any publication, he presumed the members must be individually at the trouble of correcting and revising their speeches. This was an inconvenience he did not wish to encounter, and he therefore concluded it best to leave the matter on its present footing.

The resolution was withdrawn without any action being taken thereon. It seems, however, that after this debate the reporters withdrew from their seats at the foot of the Speaker's chair and located themselves in the gallery of the House. The proceedings continued to appear, as usual, in the newspapers, but the reports were not altogether satisfactory.

On January 15th, 1790, MR. PAGE rose in the House and requested that permission be given for the return of the reporters to the floor of the House. He was anxious, he said, that the shorthand writers should resume their seats in the House; that removing those writers to the gallery was but a step toward removing them from the House; that, in connection with other circumstances, the exclusion of the shorthand writers might spread an alarm among the people which ought to be avoided; and he therefore hoped that those gentlemen who had retired to the gallery might be informed that they could return to the seats they occupied during the previous session. He avoided making a regular motion to that effect, because he knew that some of the members who wished to admit those writers did not think their admission ought to be sanctioned by a vote, and appear on the journals, lest it might approve and authenticate erroneous publications.

MR. WHITE wished the reporters to be permitted to occupy a convenient seat within the bar, for the purpose of hearing with more accuracy, but he feared that the vote of the House would give a sanction to the details which the publications ought not to have. Although those publications had not given an exact and accurate detail of all that passed in Congress, yet he thought their information had been pretty full, and the errors not very many; those that were made he supposed to arise rather from haste or inadvertence than from design, and he was convinced of this from the disposition the publishers had manifested to correct any errors that were pointed out, and the pains they sometimes took to ask gentlemen what were their particular expressions when they either did not hear distinctly or did not comprehend the Speaker's meaning. He wished, therefore, the business might go on, but silently, as it had theretofore done, without the express approbation of the House. He thought that consent to their admission would be tacitly given if no gentlemen opposed their introduction, but he should object to the vote being entered on the journals of the House.

Some members suggested, during the debate, that the Speaker should have a discretionary power of admitting such shorthand writers as he thought proper, and that any number should be admitted provided they did not incommode the members.

MR. W. SMITH said he did not wish to exclude others from a convenient seat, but, referring to a remark that had been made by one of the members that he saw no reason why Mr. Fenno should not be within the House as well as Mr. Lloyd, instead of in the gallery, he thought those who were in the House before had a pre-emption right to their seats; and he was sorry for the loss of them off the floor because he thought their publications had a salutatory tendency.

“It has been said,” he continued, “that it was the design of the shorthand writers to give a partial representation of our proceedings. I believe, if they are not correctly given, it is owing to the hurry in which business of this kind is conducted, and I am confirmed in this opinion by some errors which I have discovered in the publication of our proceedings. It was said that a committee was appointed to bring in a bill for the preservation and safe-keeping of the *accounts* of the United States. I thought

“within myself that we were not so tenacious on this head, there-
 fore suspected some mistake, and on consulting the journals I
 found that a committee had been appointed to bring in a bill for
 the safe-keeping and preservation of the *acts* of the United
 States. The similarity of the letters in those two words, and
 the great abridgment shorthand writers are obliged to make for
 the sake of expedition, may have caused him to substitute the
 one for the other. In another place I found a greater blunder
 still; it was said, that the House had appointed a committee for
 the regulation of the *barbers* of the United States; this struck
 me as a very gross misrepresentation, for I could hardly believe
 that the Legislature of the Union would, at so early a day, attempt
 to usurp an authority not vested in them by the Constitution, and
 that, too, over a body of men who could at any time put an end to
 the tyranny with the edge of the razor; but on searching the min-
 utes in this case, I found that a bill was brought in for the reg-
 ulation of the *harbors* of the United States. Upon the whole, I
 believe, inaccurate as this work is, it has given to our consti-
 tuents great satisfaction, and I should be glad to see our *Argus*
 restored to his former situation behind the Speaker’s chair, from
 whence he could both see and hear distinctly everything that
 passes in the House.”

No resolution was passed on the subject, but the reporters felt themselves authorized thereafter to take notes of the proceedings on the floor of the House.

After the second session of the first Congress, the seat of Government was removed, in 1790, from New York to Philadelphia, where it remained for ten years.

On April 20th, 1792, a further discussion took place in the House on the subject of the publication of the debates.

MR. GERRY introduced the following resolution:

“WHEREAS, An impartial publication of the debates of Con-
 gress, stating accurately their legislative measures and the rea-
 sons for and against them is a desirable object, inasmuch as it
 may aid the Executive in administering the Government, the
 Judiciary in expounding the laws, the Governments and citizens
 of the several States in forming a judgment on the conduct of
 their respective representatives, and Congress themselves in re-
 revising and amending their legislative proceedings,

“And WHEREAS, from want of proper arrangements, such pub-
 lication has not been accomplished,

“*Resolved*, that ——— persons, of good reputation and skilled in the art of stenography, be, at the next session, appointed by ballot to take and publish impartially and accurately the legislative subjects which may be submitted to the consideration of the House and the debates thereon of the members respectively; that the persons so to be appointed be considered as officers of the House and provided for accordingly; that they be severally qualified by oath to a faithful discharge of their trust, and that such regulations shall be prescribed as may be necessary to protect them in attaining the salutary objects of their appointment.”

In support of this resolution, Mr. Gerry said that, whilst Congress sat at New York, great uneasiness had been occasioned in the House by the mode in which the debates were published. Sometimes members were introduced as uttering arguments directly the reverse of what they had advanced. At other times, the substance of the arguments, as published, wore an aspect widely different from what they had when offered in debate. In some instances their arguments were so garbled that they themselves were unable to recognize them in print; and in others, they were disfigured with grammatical errors, and rendered totally unintelligible. He then mentioned a circumstance which he said he had learned from a gentleman who declared he could prove it on oath before the House, if called upon, viz: that having asked one of the persons who at the time published the debates, “how he could think of publishing them so inaccurately,” the answer was that he was under the necessity of obliging his employers. Hence he concluded that there must have been a corrupt faction who influenced that shorthand writer.

When Congress first came to the city of Philadelphia, he said, the debates were published pretty accurately; and so they were at the session then being held; but, in others, the case was otherwise; and he himself, as well as other gentlemen, had been under the necessity of publicly contradicting them in print. In some of the debates, the answer to an argument was published before the argument itself made its appearance; on other occasions the arguments were published very fully on one side of the question, while nothing appeared on the other. Every gentleman, he believed, would admit that this was a true state of the business; and it was well known that, on many important occasions, no debates had been published at all. The want of regularity in the publication was, he supposed, owing, in some measure, to the

want of proper encouragement, as the publishers would probably not find their reward in allowing a sufficient compensation to induce shorthand writers to devote their whole time to the business.

The resolution was referred to a committee, whose report, however, was not acted upon.

After the removal of Congress to Philadelphia, says HILDRETH, in his "History of the United States" (Vol. 5, p. 410) the country was mainly indebted for reports of the Congressional proceedings to the enterprise of Mr. Brown, the publisher of the *Philadelphia Gazette*, who employed a stenographer or two for that purpose, and from whose columns the other papers mostly copied, though the more important speeches were written by the speakers. The *Aurora* also gave occasional reports of its own.

On February 21st, 1795, the petition of Edmund Hogan, of the city of Philadelphia, was presented to the House and read, praying that he might be permitted to take and publish an impartial statement of the legislative subjects which might be submitted to the consideration of the House and the debates thereon of the members respectively, on the plan contemplated in a motion made to the House on the 20th day of April, 1792.

This petition was referred to a committee appointed to examine the matter and report thereon with their opinion to the House. On March 2nd, 1795, the committee reported the following resolution:

"Resolved, That the Secretary of State be requested to receive proposals from any person skilled in the art of stenography or capable of reporting the debates with accuracy, and to report the same to this House, at the commencement of the next session, with his observations and opinions respecting the qualifications of the said person or persons for the said duty, to the end that this House may be enabled to appoint one or more persons as officers of the House for the valuable purpose above mentioned."

A short debate took place on this report.

MR. W. SMITH said that something had been done by the city papers in the way of printing the speeches, but there had been considerable discontent in various parts of the Union on account of the misrepresentations contained in those papers. He thought there was a strong necessity for more accuracy, as the statements had often been extremely incorrect.

MR. HILLHOUSE observed that it would be trifling to direct any person skilled in stenography to apply to the Secretary of State, for the Secretary was not empowered to make any agreement with him; that after persons had put themselves to perhaps a great deal of trouble in applying, the House would, very likely, at the ensuing session, refuse to entertain the scheme.

MR. GILBERT proposed an amendment that the reporter should furnish his debates every evening and lay them before the House the next morning, and that after the Clerk had read the minutes, the House should go into committee to correct the manuscript of the reporter.

The resolution proposed was thereupon put to a vote and agreed to, the amendment of Mr. Gilbert being lost.

Again, on December 10th, 1795, the petition of Edmund Hogan, of the city of Philadelphia, was presented to the House and read, praying that he might be appointed stenographer to the House. It was thereupon

“*Resolved*, That a committee be appointed to receive proposals “from any person skilled in the art of stenography, who may wish “to be employed by this House, during the present session, and “to report thereon.”

A committee was appointed, pursuant to this resolution, and the petition of Mr. Hogan was referred to it.

On January 28, 1796, the committee, known as the Stenographical Committee, reported “that they had conferred with Mr. David Robertson, of Petersburg, in the State of Virginia; they thought him qualified; his demand for a session was \$4,000 for preparing his reports for the press, exclusive of the expense of printing, and that Andrew Brown, the printer of the *Philadelphia Gazette*, had offered to pay \$1,100 of this sum, so that there would remain \$2,900 to be paid by the government.” The committee therefore recommended Mr. Robertson’s appointment.

The report was made the order of the day for the 29th.

On January 29, 1796, the House went into a Committee of the Whole on the report from the Stenographical Committee.

MR. SWANWICK inquired whether the House was to sanction and authorize the reports of the proposed stenographer. He had very considerable apprehension about the propriety of entering into the subject in any mode. In his opinion, one of the principal causes of complaint against reporters was of a nature that did not

admit a remedy. Gentlemen arose, in the ardor of discussion, and suffered many remarks to escape from them, which neither in thought nor expression were perfectly correct. If the reporter, as was his duty, took them down, and stated them exactly, gentlemen were irritated by seeing themselves exhibited in this shape, and then blame was cast on the reporter. Every praise was due to the editor of a Philadelphia daily newspaper, who had not only done everything in his power to obtain the debates of the House at full length, but had frequently advertised, that if errors were committed by his reporter, they should, on application, be instantly rectified. More than this it was impossible to desire, for no mode of conduct could be more liberal or candid. He did not see, however, the propriety of blending the House of Representatives and the editor of a newspaper in this business. The stenographer being called an officer of the House, while receiving eleven hundred dollars from the printer of a Philadelphia newspaper, would thus also be the officer of the printer as well as of the House. If he were given the proposed salary, the House would have to depend on him alone, whereas there were then a number of reporters, and two or three of them frequently and mutually corroborated and corrected each other. What had escaped one reporter, or what he had misunderstood, was often observed by his competitor, and the error amended, or the defect supplied.

He further remarked that if he wanted any person to be sure of dismissal and disgrace, he could not name any other situation where that dismissal and disgrace were so absolutely certain, as to a person accepting the proposed office of stenographer. If he did his duty, gentlemen would frequently not like to see their speeches exactly as delivered. If he altered them, his utility was at an end. It would be much better, therefore, to let the gentleman stay at his own business.

MR. GILES complained in strong terms of the inaccuracy of the reports, and observed that the object of the resolution was not merely to find a stenographer who would satisfy the members of the House, but who would also give satisfactory information to the public at large.

MR. SHERBURNE conceived it more important for the public to be informed of what was done, and that, he remarked, was not always to be inferred from what was said; as (the mind being

always open to conviction) it had not been unusual for gentlemen to argue one way and vote another. As, therefore, no certain inferences of the conduct of members could be drawn from their speeches, and as the public were more interested in their actions than in their sayings, (a knowledge of which the proposed resolution was not, in his opinion, calculated to promote), it would not meet with his concurrence.

MR. SEDGWICK said that, under the resolution, the man appointed would be an officer of the House, responsible to it for his fidelity and accuracy. The debates would then be published under the authority of the House, and it of consequence would be responsible for his precise execution of the trust. It was impossible to conceive that at some times, with the best intention, he should not mistake, and of course misrepresent. It was of importance that no constraint should exist which would prevent gentlemen from expressing freely and without fear their own feelings and opinions, and those of their constituents. How far the fear of misrepresentation, and the difficulty of correcting it, under such a system, would produce such an effect, gentlemen, he hoped, would consider before they assented to the proposition.

MR. HARPER gave credit to the reporters present for diligence and good intention, but thought their efforts inferior to what might be done. Great attainments had been made, he admitted, but more might be done. He thought it of the highest consequence that the speeches of members should be correctly published and disseminated among the people; and recommended that either the proposed report or a similar one should be adopted, or that the business of reporting should at once be put to an end. He spoke of *atrocious* mistakes, and said that the debates, as published, held up the House to the scorn of the world. He would rather have the doors shut up altogether, and would, if the proposed resolution was rejected, make a motion to that effect.

MR. BALDWIN said that members might be misrepresented, but the projected scheme would not cure the evil; that on all great questions, where talents found an object worth exertion, the debates in the House were very well represented. He had seen many speeches sketched that he would not wish to see better done, and he did not know of any recent or particular complaints about inaccuracy. Though Congress had been in session for seven or eight weeks,

there had not, in his opinion, occurred much interesting matter, to make any remarkable debate out of. He thought that the debates, if taken at full length, would far exceed the limits of any newspaper.

MR. NICHOLAS replied that the reports as published were full of notorious falsehoods, and that the characters of members with their constituents would have been sunk, had it not been known that this kind of thing deserved no credit. He was in favor of the report. He complained that even when pieces were sent to the printers, they were embodied in the sketch, by which means the reporter got the full credit of them, which had pernicious consequences. One of his objections to the mode of reporting then prevailing was that the speeches of members were often much improved. He mentioned an instance from his own experience. A speech was once made for him by a person who reported in the House, and who had a very good style of writing. "The style," said Mr. Nicholas, "was above mine. There was not a sentiment in it which I would have disavowed. It was a better speech than mine; but, in an entire column, there was nothing that I said." As for sending corrections to the printers, he was above it.

MR. HILLHOUSE thought the loss of \$4,000 would be a much greater harm to the public than any injury arising from inaccurate reports. He did not see that the character of the members with their constituents depended on the publications.

MR. SWANWICK, replying to the objection that the House had somehow committed itself to appoint a stenographer, by its previous resolution on the subject, urged that the resolution went only to the committee receiving proposals, and that it therefore remained with the House whether to accept them or not when made. "As to the gentleman who is the subject of the resolution," he continued, "if I have more strenuously than usual opposed the motion, it is from a desire to keep him from quitting the lucrative situation he is said to find himself in, to embark on the stormy sea he is contemplating. To be the organ of the members of this House to their constituents is indeed a very delicate task; one for which, considering the danger he might be in, of an Orpheus' fate—that of being torn to pieces—the salary is but a poor compensation. He is to do justice to the eloquence of some members; he is to clothe, in an elegant dress,

“the uncouth, yet well-meaning expressions of others; but what
 “will he do with the silent members, who never speak at all?
 “What will their constituents think of them? Indeed, sir, if he
 “has the idea I have formed of his danger, he will not undertake
 “it at all. Faction and party have been mentioned. Happy
 “stenographer if he can keep clear of these! If he fall into their
 “power, insensibly he will represent one side in clouds and dark-
 “ness, the other as ornamented with the brightest beams of light.
 “How will he please both? Misrepresentation is complained of.
 “Alas! sir, how quick is error,—how slow is the progress of truth
 “in almost all things? Our stenographer must indeed be a won-
 “der-working man, if he can revert this tide, and make every-
 “where light, and correct reasoning, prevail. The best mode of
 “informing our constituents is by the yeas and nays of our acts;
 “this truly shows our doings, and these our constituents will easily
 “form themselves ideas of, when they know our votes; as the cel-
 “ebrated Dr. Johnson is said to have written speeches for mem-
 “bers of Parliament whose general political sentiments he knew;
 “by knowing these, he applied arguments pretty accurately, as he
 “supposed them to bear on every question offered. But, it has
 “been observed, if we do not agree to have an official steno-
 “grapher, a motion will be made to clear the House of those who
 “now take down the debates. These persons are tolerated only on
 “the principle that our galleries are open. Woodfall, the celebrated
 “printer, took down debates from memory; could we prevent
 “this being done here? Or should we drive all printers from us
 “who take notes, for the inaccuracies of some? I hope not.

“Why should the House,” he asked, “become the censor and
 “promulgator of the speeches of its own members? Our time is
 “wasted often, already, by too many long discussions on unim-
 “portant objects; but what would it be if it were to be every
 “morning saluted with motions to correct the performances of
 “stenographers of the preceding day? All the advantage of the
 “motion is to obtain more accuracy; but, it is said, the House
 “means not to pledge itself for this accuracy; if so, why employ
 “an officer under its authority for this purpose? On the whole,
 “sir, we shall in vain seek to escape abuse and misrepresentation;
 “these are by far too much in vogue. All the consolation left is,
 “what I usually apply in such cases,—that is, the consciousness of
 not deserving them.”

MR. W. SMITH said that the House had an opportunity of obtaining the services of a gentleman peculiarly distinguished for the rare talent of reporting with accuracy public debates, (referring to David Robertson) and who had undertaken to have his reports ready for the printer in the morning of the succeeding day. The compensation which would be adequate to such useful and laborious service, was beyond the ability of any printer; and the House ought therefore to contribute toward it. The sum required was a trifle when compared with the advantages; it was no object. The only question was whether the stenographer ought to be an officer of the House; in that capacity he certainly would be more easily restrained from the commission of any wilful misrepresentation.

It had been said, he continued, that although the members were misrepresented, they had it in their power to publish corrections; but these corrections were often overlooked, while the misrepresentation was operating very injuriously to the character of the members. This was generally the case in places remote from the seat of government. The mangled account of a debate was published in a distant paper, and the correction, if it reached the distant printer, was generally disregarded.

The speaker did not agree with some gentlemen that it was sufficient for the people to know what laws were passed, without knowing the previous discussions; he thought, on the contrary, the favorable or unfavorable impression of a law on the public mind, would depend, in a great degree, on the reasons assigned for and against it in debate, and the people ought to know those reasons. When a law was passed, imposing a tax, would not the people be reconciled, he asked, if they saw, from the discussions of the House, that such tax was unavoidable, and that the particular mode of taxation was the best that could be devised? And ought this information to depend entirely upon the caprice or convenience of the reporters, who attended when it pleased them, and who published just as much of the debate as they found leisure or patience to accomplish? He was convinced that the errors which had excited so much complaint, were not the effect of design, but merely of inadequacy to the task. Very few were competent to such a business, which required peculiar skill in stenography, very laborious application, and a clear apprehension of the subject

matter of debate. It could not be expected that persons thus qualified would devote their whole time to this business without an ample reward.

The report was objected to because there was novelty in the plan. It was true the House of Commons of England had no such officer, but its practice was not a fit precedent for the United States, on this occasion, for no person was permitted to write down in the House its proceedings, and the debates were taken from memory. The House of Representatives, on the contrary, had, from its earliest institution, facilitated, by every accomodation, the reporting of its proceedings. The thing was not however, altogether, without precedent. During the existence of the National Assembly of France, there were officers of the House who composed a daily work called the Logography, which was an exact account of the debates of that body.

It had been asked, what control the House would have over the proposed officer? He answered that the stenographer would be liable to be censured or displaced, if he should be guilty of wilful misrepresentation. It would always be easy to discriminate between a casual inadvertence and a criminal misstatement. The officer's character and talents, his responsibility to the House, and his oath to report with impartiality, would be a sufficient pledge of his accuracy.

Action on the report was, on motion, postponed to the 2d of February, when the committee was discharged from any further consideration of the subject.

WILLIAM COBBETT, writing under the name of "Peter Porcupine," commented on the foregoing debate, in March, 1796, in the following language:

"Perhaps there never was a resolution proposed at once so apparently trifling and so pregnant with mischief. Let any man reflect for a moment on the fate of parties in this country, and he will look with affright at the appointment of an officer invested with the power of disfiguring every argument, and even every phrase that a member of the legislature may let fall. The gentlemen who support the resolution talk of his being sworn; and did we live in those good old times when oaths were superior to the spirit of party, the argument would be unanswerable; but, alas, those times are no more. Oaths on the Evangelists are in this *enlightened* age little more than mockery. The members of the present Congress have every one of them sworn to maintain the constitution of the United States, and yet how many of them do we

see at this moment straining every faculty of the mind to render it null and void. What then could be hoped from a stenographer? Were a perfect stranger to listen to a debate, he would contract a partiality for one side or the other before it was half over. Every man in a party government has his party; and who can suppose that the stenographer would not have his? It is said that the House has a check upon him in their power to dismiss him from his office. But this must be done by a vote of the House, and, therefore, it would be no defence for a member who had the misfortune to find himself in the minority. Indeed the power of dismissal is one of the worst parts of the plan; for, as the stenographer would be loath to quit so lucrative an employment, he would, of necessity, be led to preserve the majority in his favor; and what would be so sure a way of doing this as misrepresenting the speeches of the minority. A member might complain, but the stenographer, secure in his majority, would laugh at him. Thus might a man of talents and integrity be officially represented as a fool or a knave, without having the possibility of redress. In vain would he endeavor to justify himself; the sworn stenographer would be believed before him, and the House, by a solemn decision, would determine that he had said what he never dreamt of.

“Should an officer like this ever enter the House, it is easy to foresee that he will not long be wanted. The very sight of such a tremendous umpire would frighten away all freedom of speech. It is true, the members of the majority might prattle away, but those on the other side would naturally look upon themselves in the situation of a man who is making a deposition. One party only would dare to open their mouths. Where there is no opposition there can be no debate, and of course no need of a stenographer. Mr. Smith’s objection to citing the example of the British House of Commons on this occasion did not appear to me well founded. They permit no one to write down their words after them; yet I believe it will be allowed that their debates are very well reported, and this a pretty good proof that an officer for that purpose is by no means necessary.

“The gentleman mentioned the office of the Logography, employed by the Second National Assembly in France. Unfortunate instance! The French Constitution, that ‘masterpiece of legislation,’ which was to last as long as the round world, lasted only ten months and ten days; and among the engines by which it was destroyed, the office of the Logography claims a conspicuous place. There were ten of these reporters. They wrote in the literal character. One took the first sentence, another the second, and so on. Ten men were more difficult to warp and corrupt than one would be; and yet we ever see them the decided tools of the strongest party. Members complained of misrepresentations, and had the satisfaction to see their complaints still more disfigured than their speeches. The consequence was, the few real friends of the Constitution were obliged to hold their tongues, and suffer the inflammatory harangues of their opponents to go forth among the people uncontradicted.

“I by no means call in question the virtue of Mr. Robertson, the officer proposed; on the contrary I should suppose his virtue must

be very high, for like that of Fielding's post-boy, it is high-priced. If it be equal to his modesty, it is certainly beyond anything reasonably to be expected from a frail mortal. The humble demand for \$4,000 for the session is not a great deal more than eight times as much as any member of the House receives. The very mention of such a sum cannot fail to bring forth swarms of stenographers, as a warm night at the playhouse is said to hatch comedians." (Vol. 3, p. 256, PORCUPINE'S WORKS, by William Cobbett, London, 1801.)

J. T. CALLENDER, in his "History of the United States for 1796," says, of the foregoing debate, that for the two preceding sessions a person had attended to take minutes for the *Philadelphia Gazette*, and that in January, 1794, considerable influence had been exerted to procure the dismissal of the note-taker, but in vain. He also refers to Mr. Robertson as being a native of Scotland, and as having come some hundreds of miles from a lucrative employment at the particular request of the special committee; that he had stayed in Philadelphia waiting on this business, without compensation, and that on the resolution being negatived, he had returned home.

On December 5, 1796, Mr. William Smith presented a petition from Thomas Lloyd, proposing to take, in shorthand, and publish the debates of Congress at \$1,600 per session salary. The expense of printing, etc., he estimated at \$540, for which he would furnish the House with five hundred copies of that work; engaging to use every possible precaution, and pay prompt attention. Mr. Smith referred to the unfavorable reception of a proposal of this nature at the last session, and supposed this would not be more successful; he, however, moved that it be referred to a committee. The motion was agreed to, and he, together with Mr. Albert Gallatin and Mr. Z. Swift, were appointed a select committee to examine the petition and report thereon to the House.

On December 9, 1796, the petition of Thomas Carpenter, of the city of Philadelphia, was presented to the House and read, praying for the patronage of Congress to a publication which he had commenced, entitled "The American Senator," which gave an account of the debates. This petition was also referred to the same committee to which Thomas Lloyd's petition had been referred.

On December 13, 1796, the committee reported the following resolution:

Resolved, That the clerk of this House cause the members to be furnished, during the present session, with ——— copies of the Debates of Congress, printed in this city (Philadelphia), such as the members respectively shall choose, to be delivered at their lodgings; provided that they do not exceed the price at which other subscribers are served therewith."

A debate took place on this report, on December 14th, 1796, in Committee of the Whole House.

MR. MACON thought the expense altogether unnecessary, whatever it might be. If the debates of the House were to be printed, he said, and four or five copies given to each member, they would employ all the mails of the United States. He also adverted to the attempt at the previous session to introduce a stenographer into the House, which failed.

MR. SMITH answered that the motion at the previous session was to make the person an officer of the House, and at an expense much greater. He thought the attempt about to be made would be of great use to the House. Regular and accurate information of the debates would be a very desirable thing; and he therefore hoped the resolution would prove agreeable to the House.

MR. WILLIAMS observed that the members were being furnished morning and evening with newspapers, which contained the debates, and he asked why the House should wish for more? If one person in particular had the sale of his debates to the House, he claimed that it would destroy the advantages any others could derive from it. The House ought not to encourage an undertaking of this kind, but should rather let any gentleman come and take down the debates. During the previous year, they had, in his opinion, been taken down very accurately and dispersed throughout the Union.

MR. THATCHER wished to know how many persons were to publish debates, as he understood there were several, and the members were to supply themselves from whom they pleased.

MR. W. SMITH said, there had been petitions received from only two persons—Thomas Lloyd and Thomas Carpenter. They intended, each of them, to publish the debates. There might be others; he knew not. There was no intention of giving any one a preference, as gentlemen could subscribe for that which they approved of most. At the calculation of Mr. Lloyd, the members would have five copies each for the \$1,600.

MR. DEARBORN did not think that \$1,600 thus laid out would be expended to the best possible advantage. From the number of persons seen in the House daily taking down the debates, he thought the members might expect to see a good report of the occurrences in the House.

MR. NICHOLAS thought he would vote for the resolution because he would thus obtain a more full and complete report than was to be had in the newspapers; and that it would not be necessary to take so many papers.

MR. HEATH observed that it had been said that the debates were taken more correctly during the previous session than before; yet he had heard a whisper which was going from North to South, that the debates were not represented impartially. He wished the House and the people to be furnished with a true report; such a thing would be very useful. However, he did not wish to encourage a monopoly to those two persons, but would give an equal chance to all who chose to come and take them. He referred to the fact that, in the previous year, a member of the House had sent for a gentleman from Virginia (meaning Mr. David Robertson) to act as stenographer, with whom the House and a printer were to combine, but that that gentleman had returned home when the motion was negatived, after a warm debate on the subject.

MR. SHERBURNE did not think that the publication of the debates depended on the motion of the House. Whether the House adopted it or not, he said, the book would be published, it being a matter of private interest and a speculation like other publications. The question, he conceived, meant only this: Should the members be supplied with these pamphlets at the expense of the public, or should they put their hands in their own pockets and pay for them individually? He thought the House had no greater reason to supply the members with the proposed work than with other publications, and that they might as well be furnished with the works of *Peter Porcupine* or the *Rights of Man*, at the public expense.

MR. W. SMITH said, the gentleman was mistaken with respect to the work going on, whether supported by the House or not. It was true as it respected the work proposed by Mr. Carpenter; but, with respect to Mr. Lloyd, he declared he could not under-

take it, except the House would subscribe for five copies for each member.

MR. SWANWICK considered the question to be to this effect; whether the debates be under the sanction of the House or not? A gentleman had said that it would be of great service to the public to have a correct statement of the debates. He thought the most likely way to obtain it correctly was to let the matter rest on the footing of private industry, and that the House should not trouble itself to sanction any particular work. If the House gave such sanction, gentlemen would then have enough to do every morning in putting the debates to rights before they were published, as they would be pledged to the accuracy of the reports.

MR. THATCHER differed much from the gentleman last up, as it respected the responsibility of the House for such a publication. He thought it might as well be said, that because there had been a resolution for the Clerk to furnish the members of the House with three newspapers, the House was responsible for the truth of what those newspapers contained; if that were so, he would erase his name from his supply of them, as he thought, in general, they contained more lies than truth. Two considerations might recommend the resolution. It would encourage the undertaking, and also add to the stock of public information; on either of these he would give it his assent.

The Committee of the Whole House reported that they disagreed with the report of the select committee on the resolution, and the House sustained them in their disagreement. The motion was therefore lost.

In December 1797 Thomas Carpenter petitioned Congress to pay him the sum of \$2,250 for publishing the work entitled, "The American Senator, or a Copious and Impartial Report of the Debates in the Congress of the United States," 2nd Session, 4th Congress, in four volumes. He stated that when, at the commencement of the session, he presented his memorial praying for the support of Congress to the work, he had received assurances from numerous individual members of their patronage, but that the enterprise had proved unprofitable to him. A committee appointed to consider the matter reported that they could not recommend the relief asked for, and their report was agreed to.

On February 15, 1798, the following resolution was introduced in the House:—

“RESOLVED, That the Standing Rules and Orders of this House be amended, by adding to them a provision, that persons attending this House to take down its debates and proceedings, for the purpose of publication, shall be permitted to take their places within the bar of the House.”

The Speaker, Jonathan Dayton said, he would state to the House that this was now the case, except as to one person, who had abused the privilege, and insulted the Speaker of the House.

The resolution was ordered to lie upon the table, but on February 19th was taken up and referred to a committee which reported on February 26th that it ought to be rejected. On March 21st a discussion took place on this report.

MR. OTIS did not know that any inconvenience was felt from the mode then existing of managing the business. All those who wished to come on to the floor of the House to take the debates had been permitted to do so except in some special cases, and any particular cause of complaint ought to be considered by itself and no general rule made which might never be applied. If the resolution proposed were adopted there would always be a question whether the Speaker had power to order away those who came to take notes, if they behaved amiss.

MR. ALLEN remarked, that it was understood by the people abroad that the debates were published by the Clerk of the House and authorized by the House. He had seen persons in the House who appeared to take down the proceedings; and he wished to know how they came there. He thought the public had been abused by accounts of debates which had been published, and wished the Clerk to be exonerated from any blame in the business.

MR. NICHOLAS said the object of the resolution was not to ascertain whether the Speaker had done his duty theretofore, but whether the power of discharging shorthand writers from the House should be vested in the Speaker. With respect to the reports which were given of the debates, he supposed gentlemen were not always satisfied with them, but they were nevertheless valuable information to the public; and if it was important that this information should be published, it was to be considered whether the persons who attended the House to take notes should depend upon the will of the Speaker or upon a majority of the

House for the privilege. He thought it was of consequence that they should be as independent as possible in order to give just and fair reports.

MR. RUTLEDGE said, if anything had taken place which, in the opinion of Mr. Nicholas, made it necessary to act upon the subject of stenographers, it would be well for him to lay a resolution upon the table upon which the House might act. The gentleman spoke, he said, as if there were no stenographers in the House. When the people saw this they would naturally ask, to whom they were indebted for the debates which they daily read? It was generally believed that the resolution had reference to a particular act which occurred a few days previous to its being brought forward, but the mover declared that he had not that transaction in view. If there was no complaint against the conduct of the Speaker, and every day's debate appeared faithfully reported in the papers, he knew of no necessity for the resolution. If the gentleman from Virginia (Mr. Nicholas) missed a favorite stenographer, and wished to see him reinstated, it would be well to bring forward a resolution to that effect. "But," said he, "while I see a stenographer "taking down the words I am now speaking, and when I find our "proceedings regularly laid before the public, I can see no necessity for any general regulation on the subject."

MR. NICHOLAS repeated, that the note-takers should be independent of the Speaker; that the business which they were engaged in was attended with great labor and fatigue, and required talents of a peculiar kind, and he wished them, therefore, to be placed upon the best footing possible and every encouragement given them short of pledging the House for the accuracy of their reports.

MR. SEWALL said, the gentleman from Virginia argued as if there was no rule existing on the subject. The Speaker had every power for preserving the order of the House, which was not expressly provided for by rule, and could, of course, give leave to any person, whom he thought proper, to attend on the floor to take down the debates; but it was now wished that every person who called himself a stenographer should be admitted, without respect to decency of character or appearance; and if any person of this sacred character should attend, whom the Speaker thought improper, the question must be taken before he could be discharged. So that a stenographer was to have an advantage over every other

citizen, and to be independent of the Speaker. They were to be exalted even above the members themselves; for members were subject to the order of the Speaker. As matters stood, if a stenographer thought himself injured by being denied the right which others enjoyed, he might petition the House for redress, and if he had been improperly treated, he could regain his situation in the face of the Speaker; but as they were permitted, under the good will of the Speaker, to come upon the floor of the House while they conducted themselves properly, he thought they had every privilege which they could desire; and he therefore hoped no provision would be made on the subject.

MR. GALLATIN observed, that the report of the select committee went to reject the rule proposing to admit persons who attended to take the debates, within a certain place within the House, which was open to everybody. For his part he never understood what the rule on the subject was. He knew that the galleries were open for strangers, and he knew there was a certain boundary which divided the gallery from the House. He always understood that every individual in the galleries, as well as the members of the House, was under the inspection of the Speaker, so far as related to decency and propriety of conduct, not only to call members to order, but to correct any disorder in the galleries, or to turn any person out of them. But there had been a distinction assumed which he did not understand, viz: that out of the galleries, and without the bar of the House, was a place in which strangers might come, and might not come. He understood that a member or the Speaker might introduce any person there. But he wished to have this matter ascertained, and to know whether any stranger might be admitted, how, and how excluded. He did wish to restrict the authority of the Speaker within the walls; but he did not see the propriety of turning out any person who was not debarred admission by the rules of the House. He knew that the Speaker had a right to turn out any person who misbehaved himself; but if he were to have the power of excluding others, he wished to have it ascertained by rule; for if he himself were to introduce a gentleman on the floor, and the Speaker was, for some reason, to turn him out, he should not feel pleasantly.

He had never heard that the people generally believed that the Clerk of the House reported the debates, and that it was done

under the sanction of the House. The people at large, he thought, understood pretty well that the debates were taken by persons who attended, for their own use, and that the debates were correct or otherwise in proportion as a speaker was perspicuous or not, or according as the note-takers heard or understood, or as they possessed the ability to make a report.

MR. OTIS remarked, that the resolution was confined to stenographers merely, with respect to whom he saw no necessity of making any rule, as they attended when they pleased, in the House.

MR. LYON thought it of great importance that the proceedings of the House should be (as it was being) faithfully reported. When he first took his seat in the House there were six persons who attended to take down notes; "now," he said, "there is only one, and if he should be taken sick, or stay away from any cause, the public would be unacquainted with the proceedings of the House." He wished the resolution adopted lest that one be driven away by the power which had sent off the others. (The Speaker thought this last remark improper and indecent.)

MR. WILLIAMS observed, that two or three gentlemen had said, they did not know how stenographers were introduced into the House. It was not long since the House was engaged on this subject, on account of an application of a stenographer from Virginia. A committee had reported in favor of making this person an officer of the House to take the debates, but a majority of the House determined that it was better to let the business stand upon its old footing, without the sanction of the House.

He believed the business was as accurately done as the nature of it would admit of; and when there were half a dozen note-takers, he had observed, (and if any member had read, he would have observed) that most of them copied the debates written by the stenographer before him. He thought, therefore, there was no necessity for any change in the business. He wished for the greatest publicity possible, and that the people might not only know what they said, but also what they did.

MR. RUTLEDGE said he supposed that it was perfectly well understood that shorthand writers were admitted on the floor through the Speaker's indulgence, because it was a privilege not granted to the rest of his fellow-citizens, who were admitted into

the galleries and lobby only, and that, as by the rules he had authority to order any stranger to be turned out for disorderly conduct, or both galleries and lobbies to be cleared entirely in case of more general disorder, or where he could not single out the unruly individual, so, he believed, no one doubted the Speaker's authority to revoke the indulgence thus granted to stenographers.

The question being taken on agreeing to the report of the select committee to disagree to the resolution, the report was agreed to.

In February 1800, appeared in the *Aurora*, a copy of a bill which had only gone to a second reading in the Senate, but which was reported in that paper as having been finally passed. The editor commented very severely on some features of the bill and also reflected on some of the Senators. On March 25, 1800, the Senate appointed a committee to inquire into the circumstances under which the bill came to be published, who the editor of the *Aurora* was, and to report any further facts connected with the publication. The committee reported that William Duane was editor of the paper, and that his remarks were false, defamatory, scandalous, and a libel of a malicious kind. Duane's enemies were in the majority in the Senate, and extreme measures against him were hinted at. Some of the members, however, thought the Senate was going too far in an attempt to punish a stranger to its body, and that the liberty of the press was being endangered. One speaker reminded the Senate of the anxiety of the State Legislatures in insisting upon the doors of the Senate being thrown open, and its proceedings exposed, like that of the other branch, to the public view. This was unquestionably done, he said, with the intent that notes should be taken of the debates and printed in the gazettes. But if a printer were to be imprisoned for a mistake in stating that a law had passed when it was only in its second reading, or that a member of a committee was not summoned to attend meetings when he was and did attend, or for any mistake of a similar nature, he desired to know what printer or reporter would take the debates. Would it be required, he asked, that each reporter should give every word and observation with exactness, and that the smallest deviation from what was said in the course of the proceedings of the House would subject him to the odium and perhaps expense of a trial? If this was the case no reporter would attempt to take the debates, and the doors might just as well be shut again. Another speaker, referring to the manner in which

the bill was printed without their knowledge, asked whether the galleries were not open, and whether a bill which had been read in public could not be taken down in shorthand.

After some further debate, it was finally concluded, before undertaking to punish Duane that he should be given an opportunity of being heard at the bar of the Senate. He denied, however, the jurisdiction of the Senate over such affairs, and asked to be heard by counsel. This, after some opposition, was allowed him, but on the condition that such counsel would only speak in excuse or in extenuation of the crime. Under such restrictions they refused to appear, and Duane was voted guilty of contempt and a warrant issued for his arrest. He thereupon ceased to attend the gallery and kept out of the way of the Sergeant-at-arms, and nothing further was done about the matter of his punishment.

It might be mentioned here that one of Duane's counsel was Thomas Cooper, who appears to have been a shorthand writer and who afterwards was tried for libel against Adams, the President of the United States. An account of his trial, taken down in shorthand by himself, was subsequently published by Cooper.

The sessions of Congress after November 4th, 1800, were held at Washington.

On December 4th, 1800, Mr. Hill presented a memorial from Samuel Harrison Smith and Thomas Carpenter, stenographers, representing that they had undertaken to report the debates of the House; that, contrary to their expectation—on the suggestion of inconvenience to the members—they had not received permission to occupy a situation within the bar, without which they were unable to state with fidelity the proceedings and debates; and praying the permission of the House to be admitted within the bar.

As soon as the memorial was read, the Speaker (Theodore Sedgwick) rose and observed, that feeling himself responsible to the House for the faithful discharge of the duties attached to his situation, he thought it proper to explain the line of conduct he had pursued in this business. He stated that he was applied to by letter on the first day of the session, by Mr. Stewart, requesting permission to occupy a place within the bar; that he immediately took the request into consideration; that, in the meantime, similar requests were made by other individuals; that, on observing the

structure of the room and the arrangement of the furniture, it at once appeared to him inconsistent with the dignity of the House or the convenience of the members to grant the permission asked; that the area was too small to afford the necessary accommodation; that the position considered as the least inconvenient to the House was within the window frames; that, in his opinion, this position would not be agreeable to the stenographers, as the view of the members on the opposite side of the House from either window would be obstructed; that, if a position was assigned in any other part of the House, the stenographers would be between the chair and some of the members, which would render the preservation of order impossible; that he had stated these reasons, and informed the applicants that, if agreeable to them, he would assign a place in the gallery, which would be set apart for their exclusive use; and that he considered that to be the most eligible position. He concluded by saying that it was, in his opinion, absolutely impossible to preserve the dignity of the House, and to maintain the convenience of the members, if the requested permission were given.

MR. NICHOLAS said, that the members of the House must feel a common interest in having the debates taken with fidelity. If the debates were taken, they ought to be taken with precision. Those who took them should not be debarred from the best means of hearing with accuracy. For his part he could not discern the inconvenience alleged to exist. The desk, which it was necessary to admit within the bar, would not project beyond the window frame; and as to the remark of the Speaker concerning the inconvenience of such a position to the stenographers, it was easily obviated by the consideration, that any inaccuracy which might occur in the report of the individual who took them on one side of the Chair, would be checked by the reporter situated on the other side. He thought the desire of the memorialists ought not to be passed over lightly. They had a right to the best place the House could assign.

MR. HILL proposed a resolution substantially to the effect that the Speaker be requested to assign places within the bar for the stenographers.

MR. OTIS remarked that there appeared to him much weight in the ideas of the Speaker. Grant, for the sake of argument, he

said, that four persons may be accommodated at the windows. Might there not be other applications? Was any gentleman prepared to say how many would be made? If the permission were once granted to one, would it not be necessary to extend it to all? Would the House suffer any individual to have an exclusive benefit whereby a stamp of authenticity would be fixed on his statements? From the attention he had paid to the debates reported that session, he believed them to be better and more accurately taken, than they had been on former occasions. This to him was a proof that the present situation of the stenographers was a good one. He acknowledged, at the same time, that the ability with which the debates were taken entitled those who took them to the best accommodations the House could afford.

MR. NICHOLAS replied that no debate had taken place which could test the accuracy of the stenographers. From his own experience he pronounced the situation then occupied as utterly inconvenient. What he had some days since remarked had been misstated. He well knew that this did not arise from the inability of the reporter to state correctly what occurred. He knew him to be intelligent, and fully capable of conceiving and conveying the meaning of any remarks which could be made in the House. But it arose from his situation, from which it was impossible to hear distinctly. He declared an objection in relation to the number of applicants to be perfectly chimerical. Did the gentleman suppose that the number would be so great as to make a demand on their seats? At Philadelphia, the number was small; seldom more than two, and often not more than one persevered during the session, though a greater number appeared in its earliest days. Fact and experience, therefore, demonstrated the fallacy of the danger apprehended from this source.

The subject was then referred to a select committee which reported on December 9, 1800, that it was not expedient for the House to make any order upon the subject of the memorial.

A debate thereupon took place on this report.

MR. NICHOLAS said, that in a government like the United States, it was of the highest consequence that the reasons for the conduct of its legislators should be clearly understood in order that their measures might be comprehended and their motives known, and in

order that their constituents might judge whether they had faithfully discharged their duty. Under this view of the subject, he thought it extremely indelicate to resist the admission within the bar of those persons who thought themselves qualified to take the debates and proceedings of the House. But what rendered the attempt still more improper, in his opinion, was its being an innovation on the practice of the House. Since he had been a member of the Legislature, individuals of this description had been placed by the House at their ease, in a situation convenient for hearing what passed. Why is this practice, hitherto unopposed, now to be broken in upon, he asked? For such an innovation and departure from the established practice of the House, there ought to be the strongest reasons; particularly when the attempted innovation respected, and was made by, those whose conduct was to be scrutinized. It was not without deliberation that the practice of the House had been instituted and adhered to. Some gentlemen had, some time since, contemplated the employment of a particular individual, whose services were to be paid for by the House. But the idea was abandoned, from the supposed sanction given by such an act to his statements; whereby the House might be made responsible for his accuracy and talents.

The difficulty attending the business he acknowledged to be great. But, for the reasons he had assigned, he thought the House had acted right in forbearing to interfere, further than by merely assigning a convenient place to the stenographers. It was deemed safest to confide the business to persons not known officially to the House, whose individual interest would constitute the best pledge for their fidelity. Though no precise resolve had been passed to this effect, it was well understood that this was the course the House meant to pursue, after having given the subject a deliberate and solemn consideration; and he did not think, after the sanction of a uniform practice, the innovation suggested by the report of the committee should be adopted.

In regard to the objection made to the old plan that, by passing a resolution admitting stenographers within the bar, the House gave a sanction to the reports published by them, he thought it altogether groundless. The resolution submitted, he said, made no selection of any particular person. It admitted generally those individuals who wished to take the debates. This admission could

not make the House responsible for the conduct of men it did not know and over whom it had no control. The House had not, theretofore, been considered responsible, and he could see no difference between the past situation and the situation the House would be in, if the motion of Mr. Hill were adopted. Indeed, in his opinion, the responsibility of the House would be diminished by admitting the stenographers within the bar, for, if the House admitted them, no one could then say that it had done anything that interfered with a faithful report of the debates ; whereas, by excluding the stenographers, the unavoidable inaccuracies committed might be charged to the House.

MR. OTIS said, the point appeared to him in the shape of a question of convenience ; and as to his own situation, it could not be affected by any permission given to stenographers to come within the bar. Many of the arguments he had heard, implied that the situation occupied by the stenographers was exclusive of all others ; whereas, if that were inconvenient, they might take any other, so long as they did not come within the bar. It was true that the stenographers had theretofore been admitted within the bar, but they were admitted because there was room. In the chamber then occupied by them, however, the room was less, and they could not occupy a part of that little, without materially interfering with the convenience of the members.

In his opinion, the proper question for the House to consider was, whether an admission should take place independent of the Speaker, or whether he should decide its propriety. It did not follow, if the Speaker retained the management, that the exclusion would apply to all occasions. It was true that the places desired by the stenographers were generally assigned to the high Executive officers of the government and the foreign Ministers. But if, consistent with their accommodation, the indulgence could be granted, during any important debate, he had no doubt of the Speaker's readiness to admit them ; and they might thus obtain a temporary place within the bar.

He denied that those who favored the report of the committee were attempting to preclude the people from obtaining information of what passed in the House. There was no doubt, he said, that the debates, as theretofore given, were an inadequate organ of the ideas of the members ; they had been taken for nearly twelve

years, and sometimes they had been accurate, and at other times very inaccurate; and so complete had the distortion of sentiments often been, that had it not been for the name attached to a particular speech, the member to whom it was ascribed would not have known it to be his. But, notwithstanding all this, he would not deny the ability of a person who read the debates, to form a tolerably good idea of the arguments used on a particular subject.

If the House passed a resolve, he said, divesting its Speaker of his previous power, it would render itself responsible and would virtually give sanction to the reports. If it were resolved that the House should interfere, he would much rather select and pay an individual competent to do the business, and appeal, for the faithful discharge of his trust, to his candor and impartiality. If the House passed the resolution admitting the stenographers within the bar, he asked whether they would not in fact be officers of the House. The only difference between them and the other officers would be that one would be paid and the others would not.

He thought the most inconvenient position in the House had been taken by the stenographers. It was near the Clerk's office, between which and the bar there was a perpetual passage of the members. If an experiment were made of a position on the other side, or in the upper gallery, he was persuaded it would be found very convenient. "Are not," asked Mr. Otis, "the galleries constructed for the express purpose of hearing? "Are they not intended for the good people of the United States? "And if they can hear in them, cannot the stenographers also?" He concluded by stating the extreme inconvenience that would arise from admitting the stenographers; the interference it would produce with the assignation of seats to the Secretaries of our government and the foreign Ministers; and declared it as his opinion that it was most expedient to adopt the report of the committee.

MR. NICHOLSON said, that if he understood the objections made by the gentleman from Massachusetts to granting the admission of the stenographers within the bar, they might be classed under three heads: 1. It would be against precedent; 2. It would prevent the members from having elbow room; 3. There was a possibility that the Speaker might indulge the stenographers.

As to the first objection, he would ask whether the House itself

had not a right to exercise any power that was exercised by the Speaker. Theretofore the Speaker had exercised the power and admitted the stenographers within the bar; on his refusal to so admit them the House is called upon to perform what he had refused. If the House thought it proper to admit them, it had a right to do so, as the power theretofore exercised by the Speaker was derived from it.

But it had been said that the admission would interfere with the accommodation of our Secretaries and the foreign Ministers. "Suppose it should." said Mr. Nicholson; "Is the convenience and the interest of the people of the United States to be prostrated by complaisance to the Secretaries and foreign agents? It is the duty of the House to enable the people to obtain the best information of what is being done there that can be supplied. Shall the interest of constituents be sacrificed to a sense of politeness to these gentlemen? It would be much better to submit to the inconvenience experienced by the Secretaries and foreign Ministers, if there is not room for them within the bar, than to conceal from the people the knowledge they have a right to possess. Let then the foreign Ministers, if there be such a competition, retire into the galleries."

"Gentlemen say," he continued, "that these debates have been imperfectly taken. Will they remedy the evil by excluding the stenographers from the places within the bar? If, heretofore, notwithstanding the favorableness of their position, when stillness and silence reigned, they have been unable to take the debates with precision, can it be expected that, driven to a distance from most of the members, surrounded by a crowd in perpetual motion, they will be able more successfully to accomplish their object? The expectation is absurd. It cannot be done." He had placed himself without the bar, and he declared it impossible to hear correctly. If, then, it were determined to exclude them from their usual places, it would be infinitely better, he said, to turn them out of the House altogether.

As to the convenience of the galleries for hearing, Mr. Nicholson was not able, from a trial made by himself, to decide upon it. But he had heard one uniform opinion, which was that, owing to the constant passage of persons, and the frequent crowd it would contain, it was impossible to hear there with any distinctness.

The personal inconvenience to members alleged did not, in his opinion, exist. He thought there was ample room. The chamber they occupied was similar to that in Philadelphia, and the positions desired by the stenographers were relatively the same as those in Philadelphia. By advancing the Clerk's table three feet, every difficulty would be removed.

MR. RUTLEDGE said, that the members who had preceded him had talked much about the necessity of giving the people correct information of the transactions of the House. He believed there was not a single member who did not wish to impart to the people all the knowledge they could receive, and who did not highly prize the means of information furnished by the proceedings of the House. On this point there was no division. No one was desirous of excluding the stenographers or prohibiting the publication of the debates. The only question really before the members of the House was, whether they should persevere in the old plan; whether they should confide in the integrity and the talents of the Speaker, who had thus far merited their confidence, or whether, divesting him of his power, they should themselves exercise a right theretofore attached to his office. Such a mode of procedure as had been pursued on this occasion was not conformable to that theretofore practiced. An application somewhat similar had been, some time before, made to the Speaker. The Speaker decided, and the House, without debate, acquiesced in his decision. A stenographer had grossly misrepresented a member, and when required to correct his false statement had insolently refused to do so, and added to the previous injury of misstatement insult of the most contumelious kind. The Speaker dismissed him from his place for his barefaced misconduct. Some of his friends made an appeal to the House. The House acted wisely, and, with becoming dignity, refused to interpose. If any other stenographer, like the one alluded to, should make it his systematic practice to misrepresent, and continue, as theretofore, to hold his place at the tenure of the Speaker's permission, he could be dismissed by the Speaker without troubling the House. (This had reference to William Duane, editor of the *Aurora*.)

MR. GRISWOLD said, that to the Speaker had theretofore been committed the regulation of the admission of all persons whatever within the bar; and this was the only correct mode in which such

an object could be accomplished. The Speaker must exercise the discretion thus far vested in him, as otherwise the order of the House could not be preserved. It was proposed to take this power from the Speaker, and to open the area of the House to the stenographers, without the Speaker's approbation. It was said that only two persons had applied. But if the door be once opened for admission in this way, there might be no end to intrusion. He thought that it must be apparent to everybody that the area was too small to justify the admission of the stenographers, and he believed it to be an idle pretence that the stenographers could not hear.

MR. THATCHER doubted whether a more correct account of the debates could not be given from a situation from without the bar than within it. His reasons were these: It was well known that for four or five sessions after the organization of the Federal Government stenographers never came within the bar, and their positions during that period were as remote from the members as they were when he spoke. Yet if any man would appeal to the debates then taken, he would find them as correctly taken as at any time since. Though there were complaints of inaccuracy, the debate-takers never assigned, as a justification of their errors, the inconvenience of their situations; on the contrary, they declared that they did as well as they could, and contended that their reports were as correct as the nature of the case permitted.

When the seat of Government was transferred to Philadelphia, and the stenographers occupied places within the bar, complaints increased, the debates were taken more incorrectly, and two or three of the stenographers were actually turned out of the area within the bar; one of them, he believed, was sent to the upper gallery.

*In his opinion the incorrectness of the published debates did not arise so much from an inability to hear as from an inability to take down a rapid speech.** He believed the debates as taken down by Mr. Lloyd were as accurately taken as any taken before or since. The conclusion he drew from these facts was, that if the stenographers were admitted by the House within the bar, the public would gain nothing by it. He had, however, no objection to their admission

* This was undoubtedly the main cause of the trouble with the reporters. Stenography had not then been developed to anything like its present extent.

if the Speaker approved it. They might, as far as he cared, take any place in the House ; even seats alongside of the Speaker.

Mr. DAVIS remarked that it was said that the stenographers could hear very well from their present positions. He denied it. The reporters could not possibly hear. Though himself nearer the gentleman from North Carolina, he had not heard a word that fell from him. He trusted the House would admit the stenographers within the bar. If not admitted, the conversation and passage of the members around them would prevent the debates from being well taken and be a perpetual excuse for their errors. But if admitted, they would have no apology and would be within the power of the House.

The great mass of the citizens being too remote to attend the debates, relied on those who reported them. Not more than forty or fifty persons transiently appeared in the galleries, and this number was not equal to diffusing a knowledge of the proceedings. Exclude the stenographers, he said, and the House might as well shut its doors.

Several allusions had been made to the treatment of a reporter at Philadelphia, who had been driven from the House by the Speaker. He recollected the affair, and, in his opinion, the Speaker had in that case been actuated more by personal enmity than by any other motive.

Mr. MACON was convinced that the situations occupied by the stenographers were badly calculated for hearing, as even within the bar the members could scarcely hear each other. The danger apprehended from a crowd of stenographers was farcical. Since he had been in Congress he had never seen more than three or four, and if the number admitted should prove inconvenient, it would be time enough, when the inconvenience was experienced, to remedy it.

Mr. S. SMITH said, the speeches never went forth as delivered. Yet, it was desirable to assign to the stenographers the most convenient places. He had heard gentlemen on both sides of the Chair declare they would experience no inconvenience from the admission of stenographers. For himself he could, from his situation, experience none. He believed, indeed, that the members could be heard from any part of the House and nearly as well in one place as in another. But as other gentlemen held a different

opinion, and the stenographers had theretofore been admitted within the bar, he had not the least objection and would vote for their admission.

MR. NICHOLAS understood it to be the object of those who supported the admission of the stenographers within the bar, to place them upon the same footing as they had theretofore held. This was his object. All the remarks, therefore, made respecting their independence of the Chair, were inapplicable. They would still be subject to his control, except as to the single point of situation.

“It is contended” he said, “that any place without the bar will be convenient for the stenographers. Let the place be pointed out. Let the gentleman who urge this show a place without the bar inaccessible to the whispers of the members and the pressure of a crowd. Do they imagine that any particular place can be assigned to which they can insure a profound silence, and from which every person can be withheld? Do they not know, have they not experienced, that when business presses, when subjects of importance are discussed, a crowd is produced, noise ensues, and interposing obstacles render it impossible either to hear or see the members? In such cases, which are by far the most interesting that can occur, a recess within the bar can be their only protection.”

He considered those who reported the debates, as appearing in the House on behalf of the people of the United States, to whom they communicated what passed there. The people were entitled to the information; and if, either foreign Ministers or Secretaries, or any other gentleman in long robes, interfered with such an object, they ought to give way. He knew not wherein consisted the propriety of assigning them particular seats. What right have they to exclusive seats, he asked?

Some gentlemen, he concluded, apprehended the admission of a crowd of stenographers. The thing was morally impossible. When Congress met in a large populous city, where several daily papers were printed, but two reporters were seen. But where they then were, removed from the busy world, where the demand for the description of labor which arose from publishing the debates was not nearly so great, and, of consequence, the profit less, it could not be expected that there would be more.

The question was then taken on agreeing to the report of the

select committee, and carried by the casting vote of the Speaker.

In connection with the foregoing debate, it may be interesting to read what HILDRETH, in his "History of the United States," (Vol. 5, p. 411), says, "After the removal to Washington, application was made to the Speaker by two reporters for seats on the floor, which he refused on the plea that no such seats could be assigned consistently with the convenience of the House. Perhaps, however, the fact that one of these applicants was the editor of the *National Intelligencer*, and that the reports of both were intended for that organ of the opposition might have influenced Sedgwick's decision. The reporters then applied to the House by memorial, but the Speaker's decision was sustained by his own casting vote, and they were obliged to accommodate themselves in the area outside of the bar. Not long after, the editor of the *Intelligencer* took the opportunity to report some proceedings on a question of order in a way not very complimentary to Sedgwick's knowledge or fairness. The Speaker denounced this report from his place, as grossly incorrect, but the *Intelligencer*, notwithstanding, still insisted on its correctness; in consequence of which the Speaker instructed the sergeant-at-arms to expel the editor of that paper from the area outside of the bar, and then from the gallery to which he had retired. Though the same course had been taken with Duane (the editor of the *Aurora*) in 1797, for alledged misrepresentations, which he refused to retract, it was brought before the House as an usurpation of authority."

On February 20, 1801, a motion was made and seconded that the House do come to the following resolution, to-wit:

"Resolved, That the Speaker of this House, in directing the Sergeant-at-Arms to order and expel from the gallery of this House, Samuel Harrison Smith, a citizen of the United States, has assumed a power not given him by the rules of this House, and deprived the said Samuel Harrison Smith of a right which can only be forfeited by disorderly behavior."

"Resolved, *unanimously*, That the Speaker be excused from deciding whether the said motion is in order or not."

On being put to a vote, the said motion was decided not to be in order.

MR. GALLATIN then moved the following resolution:

"Resolved, That the power of the Speaker, or Chairman of the Committee of the Whole, shall not be construed to extend (un-

“less by consent of the House, previously obtained, or in case of disorderly behavior) to the expulsion of any person, either from the lobby, when introduced by any member of the House, or from the gallery, when the same is generally opened;”

which, on being put to a vote, was lost.

On January 5, 1802, Samuel Harrison Smith, the editor of the *National Intelligencer*, and one of the reporters of the debates, addressed a letter to the President of the United States Senate, requesting permission to occupy a position in the SENATE Chamber, for the purpose of taking with correctness the debates and proceedings of that body. Theretofore no stenographer had been admitted in this area; and the upper gallery, being open to the admission of every one, and very remote from the floor of the House, had prevented any attempt being made to take the debates, from the impossibility of hearing distinctly from it.

The contents of the letter were submitted by the President to the Senate, and the following resolution was agreed to:

“*Resolved*, That any stenographer, or note-taker, desirous of taking the debates of the Senate on Legislative business, may be admitted for that purpose, at such place, within the area of the Senate Chamber, as the President shall allot.”

On the 6th of January, 1802, the editor had, accordingly, assigned to him a convenient place in the lower area, from which he took notes of the proceedings of the Senate.

On January 7, 1802, Mr. Leib, in the House, moved the addition of the following rule to the standing rules of the House:

“Stenographers shall be admitted, and the Speaker shall assign to them such places on the floor as shall not interfere with the convenience of the House.”

He observed that, in the standing rules, no provision appeared to have been made for the admission of stenographers. They had theretofore been subject to the will of the Speaker. However great his respect for the present Speaker, he was of opinion, that they should not depend for their accommodation upon the will of any man; and he thought it became the House, on that occasion, to establish a precedent which would place those who took the debates above the caprice of any individual.

The opponents of the motion declared that it did not relate to substance, but merely to form; that it was allowed on all hands.

that the debates should be taken, and that stenographers should, consequently, be admitted. But the single question was, how, and under what authority, they should be admitted. They remarked that they had theretofore been admitted by the Speaker, under whose direction they had remained; that the Speaker was the only proper authority under whose directions they ought still to remain; that, as the preservation of order and decorum rested with him, the stenographers, as well as other persons, should be permitted by him to enter the House and be by him excluded, whenever, in his opinion, the order of and a respect for the House required it. That, in case stenographers deported themselves in a disrespectful manner, or grossly misrepresented the ideas of members, the Speaker was the only person who could effectually cure the evil; that there had been, and might again be, instances of such misconduct; that, in one case, a stenographer had entered the House in a state of intoxication; in another case, a speech of a gentleman from South Carolina had been perversely misrepresented, and the stenographer had refused to correct his errors, for which he had been expelled from the House; and that, in another case, the Speaker, considering himself as misrepresented, had expelled the stenographer. It was further urged that the motion was not necessary, as the stenographers already occupied convenient seats, from which there was no probability of their being excluded by the Speaker.

Those who supported the motion considered its decision as involving an important point; a point no less important than, whether the debates of the House should be taken with accuracy, and published without fear or partiality. They averred it as a fact that, owing to the unwarrantable conduct of the Speaker, this had theretofore, at many periods, not been the case. It was true that a stenographer had been expelled for publishing a speech of a gentleman from South Carolina; but it was not for misrepresenting that speech, but for faithfully publishing it; and in the other case alluded to, a stenographer had been expelled by the Speaker for stating, with correctness, what the Speaker had himself said. These were alarming facts, not to be forgotten, and which claimed the interposition of the House. If a stenographer should be guilty of indecorum, he could still (the rule notwithstanding) be expelled from the House. It was acknowledged that the gentleman

who filled the chair was entitled to the full confidence of the House, but it was dangerous to vest arbitrary power in the hands of any man, and it was peculiarly proper to provide in fair, for foul, weather; and it was added that though the proposed rule would not be obligatory upon a future House, yet it would form a precedent which they might see fit to respect.

The question being put, the House agreed to the proposed amendment to the standing rules and orders.

The next record in the debates that I find is the following:

On February 19, 1807, JOHN RANDOLPH, of Virginia, made a protest in the House against a report of his speech, and spoke of the inaccuracy of the reporter. The reporter, in a note, protested against Randolph's protest, and stated that the reports which he had made were invariably impartial, and, as he believed, in all respects substantially correct, and that he had the assurance of many members of the House of Representatives to the accuracy of his reports.

On January 18, 1814, the following resolution was submitted to the House.

“*Resolved*, That the standing rules of this House be amended “by adding thereto, the following provisions, to-wit :

“ Stenographers admitted to take down the debates and proceedings of the House, shall take oath or affirmation to be administered by the Speaker, to-wit ; ‘ I (A. B.), do solemnly swear (or affirm) that I will faithfully, truly and impartially report the debates and proceedings of the House of Representatives, whenever I do report the same, to the best of my ability and judgment.’ And every stenographer who shall be admitted as aforesaid, after taking said oath or affirmation, shall, on such admission, state to the Speaker, in writing, whether he intends to publish his report in pamphlet or volume form, or in a newspaper, and if in the latter, he shall give a list of such papers as he may intend to furnish with a report ; and he shall, from time to time, give information as aforesaid, if such list should be increased or diminished as either fact may occur, and such statement or list shall be filed by the Clerk. And every stenographer admitted as aforesaid, shall affix his signature to his report, from time to time, as he may furnish it for publication, which signature he shall cause to be published in every case.”

The resolution was read and ordered to lie on the table, and no further action appears to have been taken thereon.

On February 1, 1820, the following amendment to the Standing

Rules of the House was proposed, and after being read was ordered to lie on the table for one day.

“ Stenographers who may be desirous to report the debates shall, previous to their admission to tables within the House, swear that they will truly, and according to the best of their knowledge, without addition, diminution, or alteration, report the debates, or so much thereof as they shall at any time publish ; that in every respect they will, as far as is practicable, adhere as well to the language as to the purport or substance of the remarks made by the members, and that they shall not importune any member for, or receive from any member, directly or indirectly, advice for, any written note or memorandum, with intent therefrom to make any such report.”

The House did not consider this proposition until March 13, 1820, when, after some debate (which is not reported), the amendment was rejected.

On April 22, 1822, a committee was appointed to report the best mode, in their opinion, of giving to the public a full and correct statement of the debate and proceedings of the House.

On May 2nd, of that year, this committee reported, that in their opinion the course pursued by the immediate representatives of the people in Congress should be impartially presented to the public view, but whether it were practicable to give a minute account of the debates and proceeding of Congress on all the various subjects that might arise, they could not undertake to decide. They considered, however, a rigid adherence to fact in whatever was published of the proceedings as indispensable ; and recommended that whenever part of a debate was published the whole should be published, as well the arguments on one side of the question as the arguments on the other side, and that the proceedings be faithfully given to the public. They therefore submitted the following resolution :

“ *Resolved*, That the Speaker be requested to receive, during the approaching recess of Congress, proposals for reporting and publishing, from day to day, a correct account of the debates and proceedings of the House, and to submit the same to the consideration of the House at the commencement of the next session.”

This resolution was objected to by one of the members because of the great expense which, he said, would be involved to the government, amounting to at least twenty or thirty thousand dollars a year, an expense which he claimed would be a waste of public money.

Further discussion was cut off by a motion to lay the resolution on the table, which prevailed.

On January 9, 1826, MR. CAMPBELL, offered a resolution to amend the fourteenth Rule, so as to provide for the admission of stenographers, not exceeding three in number, to occupy seats in front of the Clerk's table.

It appears that the fourteenth Rule, at that time, was as follows :

“ Stenographers wishing to take down the debates may be admitted by the Speaker who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.”

On the following day, a debate took place on the proposed resolution.

MR. CAMPBELL said he did not think the resolution indispensable for the purpose of enabling the Speaker to make the arrangements adverted to, as he believed the Speaker already possessed the power, but the practice of the House having been to assign to the reporters a different situation he thought that, unless it was desired to impose upon the Speaker the responsibility of changing the practice, simply by his own authority, the alteration in the rule suggested ought to be made. He could not conceive of any inconvenience that could possibly result from placing the reporters in front of the Clerk's table ; it was the only point in the House from which it was possible for them to hear so as to report with correctness all that passed, especially since the erection of the partition behind the Speaker's chair. If the gentlemen considered it important to have the debates and proceedings reported at all, he said, it was certainly important that they should be reported with accuracy. It had been proposed by some gentlemen that the reporters should be placed on each side of the steps leading to the Speaker's chair, but it must be manifest that if so situated they would be wholly unable either to see or hear what passed on the side of the House opposite to them. The most expedient place, he repeated, was the one he had suggested, immediately in front of the Clerk's desk. He did not intend the proposed rule as a substitute for the then existing one, but rather as an amplification of the powers given to the Speaker on the subject.

MR. FORSYTH thought that in the view of the rule as stated by Mr. Campbell, it would make an improper distinction among stenographers to give a preference to some over others.

MR. CAMPBELL replied that he knew only two gentlemen who at that time were reporting the debates of the House to any extent, and that there was room before the Clerk's table for three.

MR. LITTLE apprehended that no serious inconvenience was experienced by the reporters, and as no permanent arrangement had been resolved on in relation to the partition which was supposed to stand in the way of their reporting, he moved that for the time being the resolution lie on the table, and his motion prevailed.

On January 25, 1827, MR. WEEMS, moved the consideration of the following resolution presented by him on the 17th of that month;

“ *Resolved*, That the fourteenth Rule of the House” (relating to the admission of stenographers by the Speaker), “be amended “by adding thereto, the following : ‘So long as they conduct themselves with decorum and respect in the discharge of their official duties, and do not abuse the privilege hereby authorized to be extended to them, and no longer’ ”

MR. WEEMS, in the course of his remarks on the resolution, criticised a newspaper report of one of his speeches, and claimed that the reporter had abused the privilege accorded to him by the House.

MR. FORSYTH said that the rule of the House, strictly construed, did not admit any person who was not a stenographer ; that if he was correctly informed, there was but one person thus admitted under the rule who was literally a stenographer, that is, who wrote shorthand and was thereby enabled to take down verbatim the debates of the House. To limit the rule to persons of this description would in its practical effect destroy the object of the rule, and the practice had consequently been to admit persons who took notes of what was said and afterwards published, from those notes, accounts of the debates and proceedings of the House. He would personally bear testimony to the fidelity and care with which this was performed. But this relaxation of the rule had been followed by other relaxations and some persons who were admitted under it did not report at all, but used their seats as a post to abuse the members of the House. He believed there were but four persons who attended the House who performed in any way the duty of reporters. The persons who were admitted as reporters and who performed none of the duties of reporters ought, in his opinion, to

be expelled. He thought the criticism of Mr. Weems in regard to the attack on him by the newspapers, had no relation to the rule proposed to be amended. The publication was not an abuse of the rule question, he said, but rather an abuse of the press. A stenographer as such, was answerable for nothing but a faithful report of what passed in any debate. If he happened to be the editor of a paper and chose to accompany his report with remarks of his own, he had a perfect right to do so, and however abusive his remarks might be in other points of view, they were no violation of the rule of the House respecting the admission of stenographers. He was therefore opposed to the amendment offered.

MR. BARTLETT observed, that it was due to the reporters of the House to say that they had performed their duties with a diligence, faithfulness and in general an accuracy deserving high commendation.

MR. JAMES HAMILTON said that considering the embarrassment under which those who were really stenographers labored, it was remarkable that they were even as successful as they were in reporting the debates.

MR. MITCHELL went into a discussion on the liberty of the press, and remarked that an editor who had character himself, would never risk it by making an unwarrantable attack upon an individual, and that the reporter of standing in the House had too much to lose to make such an attack; that if a man was low and contemptible enough to violate the courteous privilege extended to him by the Speaker he was beyond reach, because to turn him without the walls of the House would be of no avail, as he might take to the lobby and then he would be clear. "We must depend upon our own intrinsic weight of character," said Mr. Mitchell; "let our conduct be honest and upright and their shafts of malignance will fall at our feet."

The question being taken upon the resolution, it was decided almost unanimously in the negative, Mr. Weems being the only one voting affirmatively.

On December 17, 1827, a debate took place in the Senate, on the following resolution introduced by Senator William H. Harrison.

Resolved, That the Secretary, under the direction of the Presi-

“dent of the Senate cause seats to be provided upon the floor of the Senate Chamber, for the accommodation of the reporters of the proceedings of the Senate.”

MR. HARRISON remarked that the seats then occupied by the reporters were so situated that it was impossible for them to hear those Senators who were out of their view. He knew the difficulties they had to labor under were very great, for he himself had been made to say things that he had never conceived, which he readily believed arose from the impossibility that the reporters could catch distinctly what passed in the body of the Senate. As the seats of the Senate were arranged, this difficulty, he said, must exist. A change had recently been made, and the difficulties arising therefrom he wished to see removed. It was desirable that what passed in the Senate should be correctly reported, if reported at all.

MR. JOHNSON, remarked that he was in favor of the arrangement proposed, and was sensible of the inconvenience experienced by the reporters. He had seen some of the effects of the difficulty they had in hearing, as his friend from Missouri had been reported in one of the papers to have introduced a bill for the still further reduction of our little army of 6,000 men, when, in reality, he had only brought in a bill to explain the previous act making that reduction,—which had produced great anxiety among those interested. In his opinion, it was impossible for the reporters, under the circumstances, to give the proceedings more correctly than they did; and he hoped they would be so placed as to be enabled to perform their duties more satisfactorily.

An objection having been made that the floor might not be the most eligible situation, the Chair observed that this would be answered by striking out the words, “on the floor of the Senate Chamber,” from the resolution, which would leave the location of the seats at the discretion of the President and Secretary.

Mr. Harrison expressed his acquiescence in the suggestion, and the resolution as so modified was adopted.

On January 14, 1828, Mr. John Randolph made a speech in the House, in the course of which he referred to the fourteenth Rule, and said that by its adoption the House stamped whatever the stenographers chose to publish with the appearance of semi-official authority. He claimed that the stenographers were not impartial

in their reports, but misrepresented the speakers, and only made corrections, "after much slow, reluctant, but not amorous, delay." He referred to the publication of a certain book which collated the speeches in the House, and asked whether the stenographers were admitted on the floor so that they might first slay the members in detail, and then slay them by wholesale, or whether they were admitted for the information of the people of the United States. He had seen the book referred to and found in it words attributed to him which he said he would never have uttered unless he were asleep. After giving an illustration of the incorrectness of a report of one of his speeches, he asked that the Standing Rules be referred to a committee for revision, which was done, but no action appears to have been taken by the committee on the subject.

On April 19, 1829, MR. WOODCOCK moved the following resolution:

Resolved, That the Speaker be directed to communicate to the House the names of the persons who on the 15th of April inst. had a right of admission to the Representatives Hall, by his leave, under the fourteenth Rule of the House, whether the same persons are now admitted, and that he also inform the House of the place which he has thus assigned to them."

MR. WOODCOCK, in answer to an inquiry as to the reason of this resolution, said that by the fourteenth Rule the Speaker was empowered to admit persons on the floor in their capacity as stenographers, and to assign to them such places as he might think fit. He had heard a great deal said respecting the stenographers of the House, some complaining of their reports and others applauding them. He thought it was his right and the right of every man to know who the stenographers were, and he could conceive of no objection to such a demand, which he considered proper in itself; and besides, he thought the members were entitled to the information.

MR. LUMPKIN thought the resolution was unnecessary, as its adoption might be construed into a reflection on the presiding officer of the House from whom the information could be obtained.

The Chair here stated that he would have cheerfully afforded the information to any gentleman requesting it.

A motion to lay the resolution on the table having been made, the same was carried.

My paper would naturally close here, but it may not be taken

amiss if I add to it the following, so as to bring it down to a modern period:

Mr. D. F. Murphy in the answers furnished by him to the Shorthand Congress, (Trans. International Shorthand Congress, 1887) says that "prior to 1848, the 'Congressional Globe,' then published weekly, contained an abstract of the debates and such speeches in full as members wrote out for themselves, or had specially reported, there being few shorthand writers at command. The debates were not regularly reported in full and published the day after delivery, until the Senate made a contract for that purpose in 1848 and the House in 1849. In 1873 the publication of the 'Globe' was discontinued and the printing of the debates transferred to the Government printing office, from which they have since been issued in the form of the 'Congressional Record,' a quarto, with two columns to a page, and each House was left to provide for its own reporting. The House of Representatives had some years previously required that no reporter there should be appointed or removed by the Globe office, without the consent of the Speaker, and the Senate had inserted in the Globe contract a clause that no reporter should be employed for the Senate except with the consent of the Senate Committee on Printing.

"When the printing of the debates was transferred to the Government Printing Office in 1873, each House adopted the existing reportorial status. The House of Representatives provided for five official reporters, at a salary of \$5,000 per annum each, and the Senate took its existing corps with D. F. Murphy at the head, making him the Official Reporter, and allowing him \$25,000 a year, out of which he was to provide all the force needed for the purpose.

"In the House of Representatives the Speaker now has practically the appointing power. The seats for the reporters in each House are directly in front of the desk of the Secretary or Clerk. In the House the 'turns' are of ten minutes; in the Senate the length of the 'turns' depends on the nature of the debate and the condition of the work, the general rule being that the 'turns' are made longer as the day progresses, the earlier 'turns' being short, so as to get the whole staff at work as soon as possible.

"Each shorthand writer usually employs amanuenses for tran-

scribing, but sometimes writes out portions of his notes himself. Mr. Murphy has some employees who transcribe his notes without dictation. In the Senate the entire report is generally revised by Mr. Murphy, whether he or his assistants have taken the notes. The debates are published verbatim in one sense, but of course not so as to present glaring grammatical inaccuracies or slips of the tongue; they are not condensed or edited for style. Senators and Representatives are allowed to look at the manuscript of their remarks before publication, if they wish it. The privilege is not often exercised in the Senate, except in the case of long set speeches. Many Senators—some of the most eminent men—never look at the reports before publication. The usual hours of sitting are from 12 to 5 p. m., but longer toward the end of the session; and there have been continuous sessions of 24, 27 and even 36 hours.”

In conclusion it may be interesting to read the following remarks made by Mr. Beatty on the floor of the House, on February 3, 1872, on a motion to employ official reporters, and to contrast what he said with the speeches in the early Congresses:

“The publishers of the ‘Congressional Globe’ are required to employ the best corps of reporters in the world. These reporters must not only be able, amid the confusion which so often prevails here, to catch every word addressed to the House, but they must dress it into shape, preserving at the same time, as far as possible, the precise language and argument of the speaker. We tumble into their ears oftentimes a muddy stream which filters through their brains and drips from their finger ends clear and bright. It often sounds horrible, but they make it read tolerably well. Some of us are wanting in respect for the King’s English; they are not. Our eloquence and logic are often too irresistible for grammatical restraints; they carefully gather the words and marshal them in proper lines. Our impetuosity sometimes shoots over the idea and leaves us in a labyrinth of words; they clear away the redundant rhetoric and capture the idea, and put it in its proper place. It often requires an effort even for them to chase it down, and sometimes they find the alarm was false and that there was no idea at all; but they do their best. Occasionally we get up and roar for an hour at the top of our voices, and we would have no listeners, were it not that those

“patient and long-suffering men are paid for listening. Once in a long while we jump to our feet, wild with indignation over some reflection made upon the section of the country we have the honor in part to represent, and throw up such a torrent of mud as might eclipse the worst geyser on the Yellowstone. Others may escape to the cloak room and console themselves with a cigar until the danger is past, or fly across the avenue and revive their spirits with a glass of Bourbon. But these gentlemen must stay and take it all. *They guard, maintain and uphold the dignity of the American Congress.*”



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