

# Petition to Congress to secure the Freedom of the Press.

Article 1 of the Amendments and additions to the Constitution, prohibits Congress to permit the passage of laws abridging the freedom of speech or that of the press. It is evident of itself that what is prohibited Congress cannot still less be permitted the Executive or any other power. The Statute makes no difference between times of war and peace, and make no exception in case of a rebellion. Paragraph 9, Sect. 2, provides that the right of Habeas Corpus shall not be set aside, except in case the public safety is endangered by insurrection or hostile invasion. While it permits even the personal security of citizens to be infringed upon in exceptional cases, but not the right of expressing their opinion, it declares that the right of free speech and free press is still more sacred and important than the act of Habeas Corpus, and that it shall be absolutely intangible. The only case in which the freedom of the press, guaranteed by the Constitution, can be limited or set aside is that in which the Constitution itself is suspended, namely, where a state of war prevails and martial law is proclaimed.

Such a state of affairs prevails at present in the slave States, but does not prevail in a single free State. Notwithstanding, the Administration has permitted interference with the freedom of the press in divers of the latter, particularly in New York and Pennsylvania, and has suffered the publication offices of several newspapers to be closed by its officers, and the printed papers to be confiscated, or their distribution through the post-office to be prohibited. The most abominable practice was probably the latter, taught by a "democratic" Administration, which made the post-office a censor and punishment of the organs of public opinion. Through these measures, the Administration has been guilty of a public infringement of the Constitution; it has destroyed guaranteed property and injured legally authorized business; it has suspended the sword of Damocles over every journalistic enterprise conducted in an independent spirit, and is making the attempt to convert the free press of the people into a handmaid of its own servants.

The pretext, that arbitrary measures have been taken only against such papers as seek to afford aid and comfort to the enemy is not of the slightest importance. If it be once within the power of the Administration to censure the tendency of the press, it may find aid and comfort for the enemy in every independent judgment

on its actions, and the freedom of the press is at an end. But the chief point is that the Administration has no right — that it is expressly forbidden it by the Constitution, to attempt any limitations whatever of the freedom of the press. Moreover, a law exists against traitors, which may be put in force against treasonable papers; yet in no single case has this been resorted to, but an arbitrary exercise of power has been substituted in its stead.

If the infringement on or disregard of the most important rights of the Constitution be established, the whole Constitution becomes annulled or superfluous. No injury which a treasonable journal could bring to the country, can be compared to that comprehended in its arbitrary suppression. Moreover, the entire freedom of the press is declared worthless, when it is doubted that the patriotic press of the country can counteract the injurious influence of the treasonable press. Besides, the people are declared incompetent to manage their own affairs when it is granted that they have not discrimination enough to reject false leaders and follow the true. Not only is the highest right of the people betrayed through the suppression of the freedom of the press, but their intelligence is despised and set aside in order to exalt the intelligence of their elected servants to an unlimited rule.

The effect which the acts of the Administration has produced upon public opinion in Europe is well known. They threaten to deprive the Republic of its last remaining credit. From entire condemnation, to which it was exposed through slavery and its consequences, it was preserved only by the freedom of the press, which it alone, among all nations, held without limitation. If this guarantee of rights be also shattered, the last tie of sympathy which the American Republic has found with nations striving for freedom disappears, and the Monarchists rejoice in the triumph of their contemned opinions.

While the undersigned have it to Congress to express its disapproval of the acts of the Administration in the manner that seems to it most fitting, they respectfully entreat it to adopt effective and appropriate measures to secure the freedom of the press against all unconstitutional interference of the Administration, and especially to prohibit in the strongest manner, all suppression of the liberty of the mails.

Boston, Dec. 1. 1861.

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