REPORT OF THE COMMITTEE ON RULES

OF THE

HOUSE OF REPRESENTATIVES.

The Committee on Rules and Officers of the House respectfully report, that they have considered the proposition submitted to them for changing the rule requiring a vote of two-thirds, instead of a majority, of members, to take the House from open into secret session, and are of opinion that its adoption would not be for the public interest.

They believe that the Representatives of the people, in the discharge of their duties, should be as much as possible under responsibility to public opinion, and that in order to secure this, the legislation of Congress should, as a general thing, be conducted in open session, and that secret sessions should constitute the exception. In secret sessions the proceedings of the House are of record, and its legislation and the votes of members, it is understood, are preserved to be eventually made public. In this way publicity has been already ordered to the legislative proceedings of the Provisional Government. But where there is immediate publicity, there is less occasion for suspicion or misrepresentation, and your committee are decidedly of opinion that this should always be given where it can be, without detriment to the public interest. Explanation of affairs in progress prepare the public mind to receive, favorably, results; and as the acts of public men are to be judged, it is better that the judgment of the people should be founded on full, than on imperfect information The current knowledge of the public, and the suggestions of an intelligent press, are thus brought to bear upon the deliberations of members and they are aided by a knowledge of the feelings and interests of the entire community. The people, too, are taught to feel an interest in the management of public affairs, by having constantly before them the acts and proceedings of their public men, and their capacity to understand what is discussed, is improved, and the danger is diminished of their allowing an engrossment in individual business to destroy their interest in proceedings at which they are supposed to be constructively present. Unnecessary secrecy naturally gives rise to suspicion of private ends, and tends to destroy the confidence which should give moral force to just legislation. For these and other reasons upon which your committee deem it unnecessary to dwell, they are in favor of as much publicity being given to the proceedings of Congress as the character of the subjects discussed will permit. The practical difficulty in laying down any rule for the guidance of the House, consists in the impossibility of drawing an arbitrary line of separation between those subjects always proper to be discussed in open, and those in secret session. The Constitution of the Confederate States, like that of the United States, in Article 1st, Section 3rd, recognizes the necessity of this distinction being made by enjoining upon Congress the duty of publishing, from time to time, a journal of all its proceedings except "*such parts as may in their judgment require secrecy.*" The proposition submitted to the House attempts to draw this distinction by excepting from publicity "subjects connected in some way with the

"movements of our armies in the field, or the diplomatic concerns" of the country. Your committee are of opinion that establish what rule we may, it will rest, after all, with the good sense of the House to distinguish the cases in which it should be applied, and that, if there has been any abuse of the power under the existing rule of going too frequent into secret sessions, the cause is to be found, not so much in the provisions of the rule as in the character of our discussions, and the difficulty, in the present condition of the country, of debating fully many of the subjects submitted for the consideration of Congress without speaking of matters that, "in some way," connect themselves with the condition and movements of our armies in the field, or the foreign negotiations, financial or diplomatic, of the country.

In the convention which framed the constitution of the United States that assembled in Philadelphia in the year 1787, the proceedings were conducted entirely in secret session, and "so extremely solicitous," says Luther Martin, "were they that their proceedings should not transpire, that the members were prohibited even from taking copies of resolutions on which the convention were deliberating or extracts of any kind from the journals without formally moving for, and obtaining permission, by vote of the convention, for that purpose."

Lord Mahon in his History of England, in speaking of the similar policy pursued by the Continental Congress, says, that by the inviolable secrecy observed in their proceedings "they added greatly to the effect of their final measures and bore on all public occasions the appearance of entire concord and undivided vigor."

Your committee on examination of the early proceedings of the Congress of the United States, and the rules that governed in that body down to the period of the secession of the Southern States, find that it was in the power of any one member, at any time, on simple motion, even without a second, to take the House into secret session.

This rule was adopted on the 17th of February, 1791, at the second session of the second Congress, under the administration of General Washington, and was in the following words:

"That whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the clerk, and continue so during the reading of such communications, and during all debates and proceedings to be had thereon; and that when the Speaker or any other member shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall in like manner be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly."

This rule under the government of the United States has remained the same to the present time. The power under it of going at the motion of a single member into secret session has not been often exercised in later years in times of peace, but it was the habit of Congress during its early history, and even up to a period some time after the inauguration of General Washington to conduct much of its proceedings in secret session. The Provisional Congress of the Confederate States, which met at Montgomery, changed the rule so as to require not only the motion to be made by one member, but to be seconded by another and left it finally to the body after going into secret session to decide by a majority vote whether it would return into open session or continue in secret

session. Upon the assembling of the Congress of the Permanent Government, at Richmond, the rule was further modified so as to require not only a motion and second, but a majority vote of the House to be taken in open session to carry the proceeding into secret session.

As the existing rule of the House is more rigid against secret sessions than any that has prevailed, either in the Parliament of Great Britain, or in the Congress of the United States, or under the Provisional Government, your Committee think it would be unwise, by any change of its provisions, to put it out of the power of a majority of the House at any time to protect itself against the indiscretion of a member in having its proceedings made the means of conveying improper information to the enemy, and that it would be best to leave the power with a majority of the House, to determine according to circumstances, and as occasions arise, whether particular subjects should be discussed in public or in secret session.

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