

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

THIRTY-FIRST LEGISLATIVE DAY

MARCH 27, 1973

10:00 O'CLOCK A.M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER

IN THE CHAIR



GENERAL ASSEMBLY
STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

1.

K. Miller: "House will be in order. Prayer by George Harry."

George Harry: "Let us pray. Lord, who shall sojourn in your tent? Who shall dwell on your holy mountain? He who walks blamelessly and does justice. Amen."

K. Miller: "Committee Reports."

Fredric B. Selcke: "Mr. Blades from the Committee on Agricultural and Natural Resources, which House Bills 378 and 470 were referred, reported sending back with the recommendation that the Bills do pass. Ah... Mr. Blades from Agricultural and Natural Resources, which House Bills 358 and 539 were referred, reported sending back with the recommendation that the Bills do pass. Mr. Rose from the Judiciary I, to which House Bills 229 and 459 were referred, reported sending back with amendments thereto with the recommendation the amendments be adopted and the Bill as amended do pass. Mr. Rose from Judiciary I, to which House Bill 527 was referred, reported sending back with the recommendation that the Bill do pass. Mr. Schoeberlein from Public Utilities, to which House Bill 202 was referred, reported sending back with amendments thereto with the recommendation the amendments be adopted and the Bill as amended do pass. Mr. Randolph from Revenue, to which House Bill 266 was referred, reported sending back with the recommendation that the Bill do pass. Mr. J. J. Wolf from Veterans Affairs to which House Bill 163 was referred, reported sending back with amendment thereto with the recommendation the amendment be adopted and the Bill as



amended do not pass. Mr. Wolf from Veterans Affairs, to which House Bill 168 was referred, reported sending back with the recommendation that the Bill do pass. Mr. Wolf from Veterans Affairs, to which House Bill 376 was referred, reported sending back with the recommendation that the Bill do pass. Mr. Soderstrom from Elementary and Secondary Education, to which House Bill 242 was referred, reported sending back, and pursuant to Rule 23D, the Bill was ordered tabled. Mr. Bluthardt from Elections, to which House Bills 146, 155, 173, 210, 223, were referred, reported sending back and pursuant to Rule 23D, the Bills were ordered tabled. Mr. Blades from Committee on Agricultural and Natural Resources, to which House Bill 256 was referred, reported sending back, and pursuant to Rule 23D, the Bill was ordered tabled. Mr. Schoeberlein from Committee on Public Utilities, to which House Resolution 13 was referred, reported sending back, and pursuant to Rule 23D, the House Resolution was ordered tabled. No further Committee Reports."

K. Miller: "Introduction of First Reading of Bills."

Fredric B. Selcke: "Ah... House Bill 779. McDonald. 'Amends Juvenile Court Act.' First Reading of the Bill. House Bill 780. Brummet et al. 'An Act to license and regulate pest control businesses. First Reading of the Bill!' 781. Brummet et al. 'Appropriates twenty-five thousand dollars to the Department of Public Health for the administration of Pest Control Act. First Reading of the Bill. 782. Friedland. 'Amends the Illinois Income Tax Act.' First



Reading of the Bill.' 783. Boyle et al. 'Amends the Game Code.' First Reading of the Bill. 784. Berman et al. 'Amends School Code.' First Reading of the Bill. 785. Rayson et al. 'Appropriates for contingent expenses of Board of Trustees, Judges Retirement System.' First Reading of the Bill. 786. Washington et al. 'Amends the Penal Code.' First Reading of the Bill. 787. Stone et al. 'Amends the Public Junior College Act.' First Reading of the Bill. 788. Kelly. 'Amends the Military and Naval Code.' First Reading of the Bill. 789. Alsop et al. 'Makes an appropriation for the Department of Revenue.' First Reading of the Bill. 790. Palmer. 'Amends the Downstate Firemen's Pension Fund.' First Reading of the Bill. 791. Yourell et al. 'Amends the Training Act.' First Reading of the Bill. 792. McAvoy et al. 'Amends the Judges Retirement System article.' First Reading of the Bill. 793. Clabaugh et al. 'Amends the Downstate Teachers Retirement System.' First Reading of the Bill. 794. Douglas. 'Creates the Lead Poisoning Prevention Act.' First Reading of the Bill. 795. McGrew et al. 'Directs the acquisition of Robert Morris Junior College for the establishment of Carthage State University.' First Reading of the Bill. 796. McGrew et al. 'Appropriates two million nine-hundred and fifty thousand to the Board of Governors for the acquisition of Robert Morris Junior College.' First Reading of the Bill. 797. Schlickman. 'Creates the Buyers Claim Fund Act.' First



Reading of the Bill. 798. Schisler et al. 'Makes an appropriation to the Department of Agriculture.' First Reading of the Bill. 799. Philip. 'Amends the County Municipal Township Act.' First Reading of the Bill.

800. Douglas. 'Amends Controlled Substance Act.' First Reading of the Bill. 801. Duff. 'Creates the Commission on Life Sciences and Public Policy.' First Reading of the Bill. 802. Choate et al. 'Appropriates twenty thousand dollars to the Secretary of State. First Reading of the Bill."

K. Miller: "Representative Giglio moves that the House stand adjourned until the hour of 10:00 A.M. All those in favor say 'aye', the opposed 'no'. Motion carries."

K. Miller: "The House will come to order, indictment with..by Dr. Johnson."

Dr. Johnson: "Pray....Lord you are our one place in all generations before the mountains were brought forth wherever you had formed the earth of the world, You are God to everlasting to everlasting. You turn man back to the dust daying, 'Return ye children of men'. For we are like the grass which is renewed in the moring. We remember now Oh Lord, the death of a former colleage and Represenative Bill Robinson. Thank you for the years of service he was able to give in this House and in the state government and for the many mercies which during his life bestowed upon him. Be a strong helper to those of his family who mourn his death and sustain them with your comfort. And finally teach all of us to number our own



days, that we may with hearts of wisdom be prepared when the moment of death overtakes us. An while we live, let your favor be upon us. And now establish the work of our hands in this House to the abiding glory of your holy name. Amen."

Arthur Telcser: "Roll Call for attendance." "Gentlemen from Cook, Representative W.D. Walsh."

Walsh: "Mr. Speaker, will the journal show that Representatives Granata, Wall and Palmer are absent because of illness."

Arthur Telcser: "Gentlemen, from Union, Mr. Choate. Any announcements on ah.. absences?"

Choate: "No"

Arthur Telcser: "House Bills first Reading."

Fredric B. Selcke: "House Bill 803. Stiehl et al. An act in the amount of debt payable for ad volorem tax receipts. First Reading of the Bill. House Bill 804. Stiehl et al. Madison county tax. First Reading of the Bill."

Arthur Telcser: "Gentlemen from Union, Representative Choate."

Choate: "Mr. Speaker, would you please have the record to indicate that Richard Carter, Representative Richard Carter, is absent due to illness?"

Arthur Telcser: " OK, that will be journalized." Agreed Resolutions."

Fredric B. Selcke: "House resolution 144. Grotberg."

Arthur Telcser: "Gentlemen from Cook, Representative W.D. Walsh."

Walsh: "Ah.. Mr. Speaker and ladies and gentlemen of the House, there's just one agreed resolution this morning that's House Resolution 144 and that's introduced by Representative



Grotberg and congratulates Robert H. Frytag on 40 years of service to the Young Men's Christian Association, and I might mention at this time that there ought to be another resolution, but then there's not, to commend Merle Anderson for living as long as he has. Today is his birthday and we congratulate Merle."

"Any discussion? Gentleman has offered to move the adoption of the agreed resolutions. All those in favor, signify by saying 'aye', the opposed 'no', and the Agreed Resolutions are adopted. Representative Grotberg, for what purpose do you rise, Sir?"

Grotberg: "Ah.... Mr. Speaker, Ladies and Gentlemen of the House. On the Agreed Resolution just read by ah.... Mr. Walsh. Ah.... Mr. Speaker, if I'm out of order, fine; if I'm not, I would like to offer anybody who has had enough YMCA experience with this wonderful man, Mr. Frytag over the years in Chicago, I would be happy to have him as co-sponsor of this resolution."

Arthur Telcser: O'kay. All right. House Bills. Third Reading. Is Representative Washington on the floor? O'kay. House Bill 10."

Fredric B. Selcke: "House Bill 10. Katz. 'Bill for an Act to amend the Illinois Vehicle Code.' Third reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Katz."

Katz: "Mr. Speaker and Ladies and Gentlemen of the House. House Bill 10 is a Bill supported by the Secretary of State



which eliminates the requirement that in applying for a drivers license and a vehicle tag, that it is necessary to notarize the application. What this Bill does to make it easier for your constituents to apply for their vehicle tags and for their license plates. It does not apply to transfers of title, but only to license plates and to driver licenses. If we stop to think for a moment that any citizen of the State of Illinois can file his State Income Tax return simply by signing his name, and indeed we will all soon be filing our Federal Income Tax return by signing our name, you can see why House Bill 10, which makes it so that you can apply for your license plates, with the same ease that you can file your income tax return, has drawn much support from the media as well as that part of State government, the Secretary of States Office, that, in fact, administers this law. I would point out to you that aside from conveniencing the People of the State of Illinois, it also conveniences the Secretary of States office, because each day approximately 9000 applications are returned to senders in Illinois, because of the failure to comply with one or more of the questions or instructions that are contained on these various forms, and one of the most frequent is the failure to notarize. So I would urge support for House Bill 10."

Arthur Telcser: "Is there any discussion? Gentleman from Cook, Representative Juckett."



Juckett: "Mr. Speaker, Ladies and Gentlemen of the House.

This Bill appeared in Motor Vehicle Committee. Some of us did have some doubts to whether this would apply to the transfer of title or to title of automobiles. Since that time, however, Secretary of State's Office has assured me that it does not apply to titles, it applies only to license plates and their transfers and so I would urge a vote for this very good Bill."

Arthur Telcser: "Gentleman from Lawrence, Representative Cunningham."

Cunningham: "Will the Sponsor yield to a question?"

Arthur Telcser: "He indicates he will."

Cunningham: "Representative Katz, I am wrestling with my conscience that I might vote for your Bill, but the question arises why it wouldn't be a good idea for every other facet of human activity, where notarization is required, and I haven't thought of the answer to this. Do you have an answer why it wouldn't it be equally valid for the notarization be eliminated from other signatures?"

Katz: "Well, it would be necessary if you wanted to do that, my distinguished friend from Lawrence, to introduce separate Bills amending the different parts of the Code. This only relates to driver licensing. I'm very sure if you wrestle with your conscience on this one and if your conscience wins, which I'm sure it will, that you will find yourself voting for House Bill 10."



Cunningham: "May we anticipate there will be additional Bills that are offered by you as to other fields for notarization presently required?"

Katz: "Well, ah.... Representative, I don't commit myself. I've come in with one Bill, that really is an excellent Bill. I don't want to commit myself a lot of changes in other provisions of the Code. I would be very happy to discuss them with you, and I'm sure either you or I would be very happy to introduce that legislation, but that really isn't before us today, As I've indicated, the most important field where notarization is not required that affects every citizen of this state, is the filing of State Income Tax returns, and that has worked very well. There have been many indictments of individuals for giving false information on Income Tax Returns, whereas this notarization, as far as the Secretary of States office is concerned, has served no useful purpose. It's been in effect for probably forty years or more. There was never an instance of an individual in Illinois who has ever been convicted of giving false information to a Notary Public in giving the oath as relates to driver license requirements. This is absolutely a useless, futile provision of the law, that serves no good purpose and I think that when you do, in fact, emerge from this tussle with your conscience, I'm going to find you with that great old green vote that we have come to know and love from the Gentleman from Lawrence."



Cunningham: "Mr. Speaker, the answer was so pat, it created the impression the question was prearranged. I specifically deny any prearrangement of the question. My final question, Representative Katz, if we vote for you here, you'll agree that we have no obligation to vote for you on the additional Bills. Is that correct?"

Katz: "Yes, ah... you've known me long enough to know that you are perfectly free to ah... vote for my Bills if you think they are good. I would have to tell you that of all the Bills the introduced, this is one of the very best."

Arthur Telcser: "Is there further discussion? The question is, shall House Bill 10 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. On this question, 129 'ayes', 3 'nays'. McPartlin 'aye'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 14."

Jack O'Brien: "House Bill 14. 'A Bill for an Act to amend Section 10 of the Environmental Protection Act. Third Reading of the Bill."

Arthur Telcser: "Gentleman from Rock Island, Representative Pappas."

Pappas: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 14 amends the Environmental Protection Act and it prohibits the EPA Board from imposing a ban on leaf burning until they have tested an area for two years. If the test shows pollution from leaf burning, they then can enforce a



ban on leaf burning. I would urge your support."

Arthur Telcser: "Is there any discussion? Question is shall House Bill 14 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative Mann."

Mann: "Will the gentleman yield for a question?"

Arthur Telcser: "Well, I guess he would. We're on...."

Mann: "Pete, I'm sorry, you were speaking as I got onto the floor. Will you mind saying again what the Bill did?"

Pappas: "All this Bill does is prohibit the EPA Board from imposing a ban on leaf burning until they have tested an area for two years. Now if the tests show that there is pollution from leaf burning, they then can put on and enforce a ban. But if it shows that there is no pollution from leaf burning, they cannot put on a ban in that area."

Mann: "Thank you very much."

Arthur Telcser: "Have all voted who wished? Take the record. On this question, there are 96 'ayes', 27 'nays', and this Bill, having received a Constitutional Majority, is hereby declared passed." House Bill.... B. B. Wolfe, 'no'. House Bill 15."

Jack O'Brien: "House Bill 15. 'A Bill for an Act to amend Section 204 of the Illinois Income Tax Act.' Third Reading of the Bill."

Arthur Telcser: "Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 15 provides a State Income Tax exemption for tuition



paid for a public or private college or university or elementary or secondary school. The ah... tuition deduction under the amendment may be taken by a parent, if the parent pays the tuition, or by the student himself, if the student works and pays his own tuition. We also have an amendment on the Bill suggested by Representative Giglio, which takes care of deductions for tuitions paid to trade schools and vocational schools for those young people who are unable or do not wish to go to college. This was approved in the House Revenue Committee and I asked for a favorable vote."

Arthur Telcser: "Is there any discussion? Gentleman from Cook, Representative W. D. Walsh."

W. D. Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House. This is one of many Bills that ah... is designed to reduce the effective income tax, and perhaps there should be some sort of exemption or some relief to certain people; certainly our income tax is not the most just tax in the world. However, this approach to it is certainly making it go from bad to worse. The problem with this is that there is no basis whatever for me. A millionaire sending his child to the University of Illinois would get State Income Tax relief through this Bill. Now if a millionaire would send his child to Harvard or someplace, we'd be doubly benefited because we wouldn't be paying for him to go to school. We wouldn't be granting the income tax relief. The estimates of the cost of this Bill range from 13 to 50 million. I



think they are going to be fantastic. I think the high tide is certainly low in this case. It's going to have a tremendous affect on our Revenue and it is going to be benefiting people who really should not be benefitted. I think you'll find, Mr. Speaker, the people who are going, especially to college or even to high school, are the people whose families don't really need relief from the Income Tax. It's the people who can't afford to send their kids to school that need this relief. And we ought to certainly find another approach; not this one."

Arthur Telcser: "Lady from Cook, Representative Martin."

Martin: "Mr. Speaker, may we please have some order in the House, so that we may be able to understand what is being presented here?"

Arthur Telcser: "We'll try for it. Gentleman from Whiteside, Representative Miller."

K. Miller: "Would the sponsor of this Bill yield to a question?"

Arthur Telcser: "He indicates he will."

K. Miller: "Ah.... I know that ah.... there was a request for a fiscal note and I assume it's been filed. What does that fiscal note disclose?"

Pierce: "Yes, the fiscal note was requested from the Bureau of the Budget and they say 12 million, which is way under the figure that was given by the ah.... majority leader, and that's on the high side. They said 8 to 12 million. The reason the figure is lower than you might think is that elementary and secondary schools, which are covered in this



Bill, ah.... have lower tuitions. A lot of them have one or two hundred dollar a year tuitions. Remember our State Income Tax is only 2-1/2 percent, so even for a college who is a two thousand dollar tuition, the deduction is only fifty dollars; I mean a savings in income tax is only fifty dollars. Of course, a school with a five hundred dollar tuition, the State Income Tax savings is \$12.50."

K. Miller: "Another question if I might. Do you antici..... Does the Bill provide for ah.... the Revenue Department to set up Rules and Regulations concerning the proof necessary to substantiate this deduction?"

Pierce: "No, they have authority income tax rules and regulations. The parent would have to run an audit to substantiate the payment of the tuition, just like on Federal Income tax you have to substantiate the payment of interest on your mortgage, interest on a loan, or local taxes. It's subject to audit and subject to proof of the tuition payment, which I suppose would be a paid bill or a check from the parent or student to the college, university, elementary or secondary school."

K. Miller: "Mr. Speaker, I would just like to make one statement regarding ah.... this proposal. I have been and I continue to be opposed to any type of legislation which makes our State income tax more complicated. You could say what you want to, it will complicate the return. It's one more step that is necessary and the other aspect, of course, is can we afford 12 million dollars loss in the State Income



Tax collection. I'm going to be forced to vote 'no' on this proposition, Mr. Speaker."

Arthur Telcser: "Gentleman from Cook, Representative Kosinski."

Kosinski: "Mr. Speaker, will the Representative from Highland Park, Dan Pierce, respond to a question?"

Arthur Telcser: "He indicates he will."

Kosinski: "Ah.... Dan, in terms of the credits given on ah.... such tuitions at a college level, will those credits be given if the college student is on a scholarship?"

Pierce: "No, it will only be for the tuition actually pad by the ah.... parent or the student to the extent that there is a scholarship, of course, there won't be an Income Tax deduction. But very few scholarships are full tuition scholarships. If the scholarship is for a thousand dollars say at Northwestern and the student pays another thousand or the parent pays another thousand, then the deduction would be a thousand, which would result in a tax savings of twenty-five dollars."

Kosinski: "It is graduated then to scholarships?"

Pierce: "It is only deduction for tuition paid."

Kosinski: "I see. Thank you, Dan."

Arthur Telcser: "Gentleman from McLean, Representative Deavers."

Deavers: "Point of personal privilege. In the balcony we have seventh grade students from Mt. Pulaski and under the sponsorship of their teachers, Tom Cochran and Joline Mass, I would like to introduce them to the People of the House."



Arthur Telcser: "Gentleman from Randolph, Representative Springer."

Springer: "Will the Representative, Mr. Speaker, answer a question on House Bill 15."

Arthur Telcser: "He indicates he will, Sir."

Springer: "Representative Pierce, does the Bill still stand that ah... as far as the attendance of a school within or without the State of Illinois?"

Pierce: "Yes it does. The reason for that is, I believe the parent.... ah.... this is meant to relieve the parent, and to be truthful to you, in many cases the middle class parent can't qualify for a scholarship who is paying the burden of the child's education. If that child goes outside the State, then its saving the State of Illinois the educational costs, cause as you know the tutition never equals the actual cost in the schools. That parent decides that child ought to go to Washington University or St. Louis University or Marquette, then that parent is equally entitled to the deduction on the State Income Tax and the taxpayers of Illinois are savings money by that child going outside the State."

Springer: "Thank you."

Arthur Telcser: "Gentleman from Cook, Representative Lundy."

Lundy: "Mr. Speaker, Ladies and gentlemen of the House. I am reluctant to arise to oppose my friend's Bill, but I feel that in this instance, this is a misguided effort to provide tax relief in what is really an irrational way. Ah.... we have a State Scholarship Program in Illinois, a



substantial portion of that State Scholarship Program goes to students who attend private institutions. It has been indicated that this Bill came through Committee unanimously. In think it should be pointed out that at the time the Bill was considered by the Revenue Committee, there was no, and I served on that Committee, there was no Representative of the Department of Revenue there to testify against the Bill. In fact, the Department of Revenue opposes the Bill and the former acting director of that Department, Williard Ice, has no indicated to the Members of the Revenue Committee, along with an explanation about why no Representative of the Department was at the hearing. The Department opposes the Bill on essentially three grounds, and I think they are worth restating them. First, ambiguity. The Bill does not indicate the tax exemption is per parent or per return. Therefore, in cases where joint return is filed the parents, it is impossible to tell the amount of the exemption to which they are entitled. Second, the Bill discriminates against families whose families attend low tuition or no tuition schools. Since the Bill provides an exemption only for tuition paid, if the child attends a school where no tuition is paid, the family gets no benefit, and I would point out it would probably primarily be children from low income families who would be attending no tuition schools, or low tuition schools. Finally, and perhaps most important, is the fact that this Bill is the first of many, and serving on the Revenue Committee I can testify, very many bills



which will attempt to carve up the State Income Tax, make it more complicated and make it less efficient as a Revenue raiser for the State of Illinois. In short, this is a bad precedent. I oppose this Bill, not because I oppose aid to education, but because this is an irrational, inefficient and difficult to control method for providing assistance to education."

Arthur Telcser: "Is there further discussion? Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Arthur Telcser: "He indicates he will."

Lechowicz: "What's the Governor's position on this Bill?"

Pierce: "The Department of Revenue, as was stated in the Committee, although the witness had left, opposed to the Bill, and I suppose we'd have to say that's the position of the administration. I don't know if the Governor himself at that high level of government, has considered the Bill, but the Department of Revenue, which is a Department under the Executive Branch, as you know, is opposed to the Bill."

Lechowicz: "Dan, what would be the revenue loss if this Bill is passed?"

Pierce: "The Bureau of the Budget, who figured it on the high side, now says twelve million. Originally they said eight million, but in the fiscal note, which is filed as requested, they say 12 million dollars."



Arthur Telcser: "Is there further discussion? Proceed Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. I would just like to speak briefly to the Bill. I have to concur with Representative Lundy as far as the fiscal impact and also with Representative Walsh, the Majority Leader. I think at this time when we are talking about maybe having a hundred million dollars in reserve in General Revenue and in turn the Governor is asking for a property tax relief, and relief in taxes per se, from the citizens of the State of Illinois, we could be very careful as far as the Bills that we do pass out of this General Assembly in reference to special interest groups, and personally I believe this is a special interest group as far as having students who are going out of state be available to a two thousand dollar deduction in the State Income tax. I would hope that the House would vote against this Bill."

Arthur Telcser: "Further discussion? If not, the gentleman from Lake, Representative Pierce, to close."

Pierce: "Mr. Speaker, this Bill provides and fills the gap for those parents who cannot qualify for a State scholarship. I know of cases where parents making under ten thousand dollars a year have had their children turned down by the State Scholarship Commission at Deerfield for scholarships even though their children qualified in the examination. They put it through a computer there. Apparently, if you have a steady job, just about unqualified your child



to get a State Scholarship. Now this Bill also takes care of elementary and secondary and let's be frank, many of those schools are religiously oriented schools. I have long felt the sacrifice made by parents of children attending non-public elementary and secondary schools and this Bill would cover them in a constitutional way, in the way that the District Court in New York has held constitutional, and a way that President Nixon has advocated we meet this problem of private schools, in a way that Governor McGovern agreed we should meet this problem of the private schools. The big benefits here will be to elementary and secondary school parents as well as to the parents of college age students. Some of the secondary high schools are going out of business now, the private high school and their tuitions are getting way up there and are a sacrifice to the parent. Let's provide this kind of tax relief to those who are working and those who are paying tuition and to some middle class Americans that aren't benefitting, that are making sacrifices, but aren't benefitting from our State scholarship program. I'm not ah.... concerned about 12 million dollars in the budget, because the Governor says he budgeted over a hundred million dollars additional for education. In addition, the courts have tied up the parochial aid bills of thirty million that we passed out of here a year or two ago. That money isn't being spent. And that money would be available for this constitutional method of helping the parent of students attending nonpublic elementary and



secondary schools and public and private colleges and universities and trade schools. This is a benefit for the parent, but not a big one. The maximum would be 50 dollars per child tax benefit, if tuition were two thousand, but I want to point out that most tuitions are under two thousand and ninety-five percent of the students will be attending schools in this State, elementary and secondary schools, but if a parent feels his child would benefit more by going to Marquette or Purdue or St. Louis University, I think the parent should have that choice. He's making the sacrifice and he should get the benefit and the deduction and I urge a favorable vote on House Bill 15."

Arthur Telcser: "The question is, shall House Bill 15 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative Maragos."

Maraçcs: "Mr. Speaker and Members of the House, in explaining my 'yes' vote on this issue, I would like to reiterate that even though it's going to affect the Revenue of our State, I think this is an area where we can give some serious consideration because of the constitutional way we could give relief to people who are sending their children to private schools, especially on the elementary and secondary levels. I'm sure that the Bill does have some flaws that could be perfected, and I'm sure the sponsor may have some ideas when it gets on the Senate side to correct some of those flaws. However, we should not let this vehicle slip by



without supporting it, in order to give the sponsor an opportunity to do the job he has to do and give the Governor an opportunity to pass on this type of legislation where much required relief is needed in this area. I ask for your support on this Bill, because I think it is a Bill in the right direction to overcome many of the constitutional questions I stated earlier, which many of the Parochial Bills had and I think that this is one way that the Supreme Court will support our actions to give parents who want to send their children to a private school an opportunity to do so and have some relief. It only means that the most, no more than a fifty dollar maximum tax benefit per pupil, and I think that many of the quandries that they are considering regarding the fact that it doesn't say which parent or both parents, I'm sure the relief will be given by pupil, as the Department's regulations will be brought forth if this Bill passes. I solicit your support for this Bill."

Arthur Telcser: "Lady from Lake, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, Ladies..... Mr. Speaker, Ladies and Gentlemen of the House. I think.... I'm rising to explain my vote and I would like to tell you, remind you that it is the middle class taxpayer who is carrying the tax paid for the State of Illinois. The Bill is going to help the middle class taxpayer, and I think it's about time we give them some relief. I feel it's a very good and just Bill and very equitable. I, therefore, explain my vote as 'yes'."



Arthur A. Telcser: "Have all voted who wished? Take the record. McPartlin 'aye'. Jaffe 'aye'. Murphy 'aye'. Deavers 'aye'. Totten 'aye'. Merle Anderson 'aye'. Sevcik 'aye'. Ebbesen 'aye'. Is that right, Joe? 'Aye' for Representative Ebbesen? Huskey 'aye'. O'kay Ryan 'aye'. Let's get this side. Jones 'aye'. Flinn 'aye'. Beaupre 'aye'. Kosinski 'aye'. Record Representative Borchers as voting 'aye'. Kozubowski 'aye'. Thompson 'aye'. Did I get everybody? Tipsword 'aye'. Gibbs 'aye'. This question, 108 'ayes',.... This question, 108 'ayes', 28 'nays' and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 18."

Jack O'Brien: "House Bill 18. 'A Bill for an Act to establish the Penalty of Capital punishment for specified categories of the Crime of murder. Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Hyde."

Hyde: "Ah.... Mr. Speaker, Ladies and gentlemen of the House. Ah.... unfortunately, I have another amendment that I want to put on this Bill and it is not ready yet from the Reference Bureau. I'm wondering if it wouldn't be appropriate to return this to Second at this point, ah.... rather than pass it and I'm thinking of getting it called up as early as possible, and if we returned it to second reading, and left it there, would that not be appropriate?"

Arthur Telcser: "The gentleman has asked leave to have House Bill 18 returned to the order of Second Reading for the



purpose of amendments. Ah.... I hope we get to Seconds today. House Bill 18 will be on the order of Second Reading. At the request of the sponsor, 20 will be held. House Bill 21."

Jack O'Brien: "House Bill 21. 'A Bill for an Act to require the imposition of the death penalty only for murders of certain persons by certain convicts who are serving a term in a penal institution of this State. Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Mr. J. J. Wolf."

J. J. Wolf: "Mr. Speaker, Members of the House. To some of you who may think it somewhat strange that I am introducing a Bill calling for a mandatory death penalty in specific crimes, since in previous sessions, I was one of those who supported the moratorium on the death penalty, in at least two sessions. But a turn in events, including a two to one vote of the people on a constitutional referendum, a five to four supreme court ruling and a series of vicious, plainly, premeditated murders, have altered my views, at least to some degrees. Now, most of you are, I'm sure, familiar with the Furman Vs. Georgia decision, so I don't think we have to go into that in great detail. The scope of the Court's ruling is not entirely clear, but much, however, seems apparent; that if legislatures are to continue to authorize capital punishment for some crimes, juries and judges can no longer be permitted to make the sentencing determining in the same manner as they have in the past, and while I



do not undertake to make a more definitive statement as to the parameters of the Court's ruling, it is clear that if State legislatures wish to maintain the availability of Capital Punishment, significant statutory changes will have to be made. Since the two pitiable concurring opinions of Justice Stuart and White turn on the assumption that the punishment of death is now needed out at random in an unpredictable manner, legislative bodies may seek to bring their laws into compliance with the court's ruling by providing standards for juries and judges to follow and determining the sentence in Capital Punishment or by narrowing defining....."

Arthur Telcser: "One moment, please, Representative Wolf.

Now I think our guests in the balcony are also contributing to the noise level. If they could help us out by keeping the conversation low, I think it will give the members and our guests a chance to hear what is happening better. Proceed Representative Wolf."

Wolf: "Well, the legislatures must provide standards for juries and judges to follow in determining the sentences in capital cases or by narrowly defining the crimes for which the penalty is imposed. If such standards can be devised, or the crimes more meticulously defined, the results clearly cannot be detrimental. So it's apparent there are three alternatives open to us, if we wish to retain the death penalty in some form. One, we must provide standards for juries and judges to follow in determining



the sentence in capital cases. Two, more narrowly defining the crime for which the penalty is to be imposed, or three, providing a mandatory death sentence upon conviction for specific outline crimes. In the 18th or 19th century, death penalties were usually mandatory for crimes specified which was something like over two hundred crimes in England. And on the face of these ill statutes there was no discretion in the jury, and so upon conviction, the death penalty was mandatory, and what actually happened in many of these old death penalty cases, especially where the death was in reality, much to harsh penalty for the crime charged, is that the jury would refuse to convict, thereby softening the impact of the harsh laws. In other words, mandatory death penalty did not remove the power of discretion from the jury which would refuse to convict in a case where they thought the death penalty was inappropriate. This situation resulted in a trend in the 19th century to eliminate the death penalty from lesser offenses to the more narrow delineation of the crime for which the death penalty was to be given such as first degree murder, second degree murder, etc. Now, if as a result of this case, discretion to impose the death penalty may no longer be vested in the jury, and if society still wishes to retain the death penalty, mandatory sentences would have to be limited to narrowly defined crime where the penalty is absolutely appropriate crime. Only in this way could the problem of the jury's refusal to convict in cases where the penalty



would not be appropriate be avoided. A mandatory death penalty for broad categories would probably result if many acquittals of guilty persons. Consider also the affect of Witherspoon Vs. Illinois, which held that persons opposed to the death penalty could not be systematically excluded from the juries in the capital cases. This would make still harder obtaining conviction in a case where the death penalty was mandatory. Now it seems to me that capital punishment is clearly no deterrent with regard to crimes of passion. However, I cannot be persuaded that a life term or a convict serving a long term in the penitentiary who had other ideas of remaining as a guest of the State, would not have second thoughts about murdering a jail guard or someother prison personnel in an escape... in an attempt to escape if he knows that there can only be one penalty from that point on and that is the death penalty. I had conducted a public opinion poll throughout several newspapers in my District and the results came back in favor of mandatory death penalty on these two bills, 21 and 22, by something like 93% for and 7% against, and many of the persons who wrote, they commented that not only were they for installing mandatory death penalties for the cases outlined in House Bills 21 and 22, but in other cases as well. I believe that these are certainly limited Bills, they are reasonable and I believe they would be in compliance with the Supreme Court's decision and I would ask your support."



Arthur Telcser: "Lady from Adams, Representative Kent."

Representative Kent, did you seek recognition?"

Kent: "Representative Mike McClain and I are proud to present to you political science students from Quincy College. They are a hundred strong with three professors here today in this gallery. Their prime minister is Leonard Kirk, and their Deputy Minister is Ms. Teri Morris. We're glad to have you."

Arthur Telcser: "Gentleman from Lake, Representative Murphy."

Murphy: "Mr. Speaker, I know it's against the rules, but it's already been done once, so I'm going to do it over again. We have ah... a fine group of twenty-five students from the College in Lake County led by one of our instructors up there, Maureen Sullivan and they are also in the gallery."

Arthur Telcser: "O'kay, the gentleman from Cook Representative Getty. Didn't you want recognition. I'm sorry. Representative Mann."

Mann: "Well, Mr. speaker and Members of the House, I rise to oppose this death penalty bill and I don't care whether or not it's restricted to prison guards or not. I want to know why we are so preoccupied with death and killing in this State. Why can't we give the Supreme Court decision which declared Capital Punishment in any form to be cruel and unusual punishment an opportunity. Give it an opportunity to see whether or not it turns this country into a land of mercy. I'd like to point out that in everyone of the Capital crimes, involving the beloved national figures of



this country - Bobby Kennedy, Martin Luther King and Malcolm X - they've all been in states that have had capital punishment in crimes. Now I mentioned three gentlemen. I could mention many others. Ah... it's clear that capital punishment is not a deterrant to homicide. There's a doctrine in the law called entrapment. And we found that after we heard about Attica which the authorities in New York tried to suppress, that many of our prisons in this country constitute entrapment. The very fact that you're in there is also most a provocation to murder. Now I don't want to say that I'm in favor of killing security guards. I don't want to say that I'm in favor of helping prisoners escape while in the process of being transported from one penal institution to another. But what I do want to say is that in this country, people without money, people of color, minority groups cannot get a fair trial because they can't afford a defense. And I certainly will introduce a Bill if this Bill's passed and the other gentleman's Bill's passed. I will introduce a Bill to make it mandatory that private attorneys with experience of having at least tried five homicides be paid on a going market value. To defend those accused of capital crime. Now, Mr. Speaker, and Members of the House, I don't think killing by the State is any better than killing by anyone else. And I think that killing a prison guard is horrible. It barbaric. But for the State to turnaround and impose the same measure of punishment is barbaric and cruel, too. I'll tell you when



I would vote for this Bill; when we make our penal institutions civilized places, not for dogs, not for animals, but for human beings, then perhaps we can move the question of whether or not a capital punishment law is necessary to protect prison guards and other security people. What happens in a prison revolt is that people living under inhuman and cruel conditions finally rise up because they have lost hope. They have no means of communications with the outside world, so they can't air their grievances and complaints. And as far as I'm concerned, if there was ever a legitimate and bonafied case of entrapment, its our penal institutions and that includes Illinois. Our penal institutions, many of them, in this State are dungeons are midevil dungeons. And let's clean the jails up first and then come back with this Bill, Jake, and I know that you're sincere because I believe that in everyone of the sessions, you have voted against my bills to abolish or declare a moretorium capital punishment. I think you are premature. I think you are going against the main stream of this country as expressed by the Supreme Court of the United States and I would hope, Ladies and Gentlemen, that we delay the imposition of the death penalty. Let's not rush into Kill; we have time and I would hope you would oppose this Bill."

Arthur Telcser: "Gentleman from Will, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker. I rise to support this particular Bill. As a member of the House Judiciary Committee



I had an opportunity to study the many proposals which were before us, and first of all, we have to make up our minds if we are going to support a death penalty or are we not going to support a death penalty? And I think that the previous speaker has already indicated where he stands on that. So I think that for the rest of us that fall somewhere between, we're not sure exactly what the situation is going to be. We have to take a long hard look at all the Bills that are before us. And I speak particularly on this Bill, because it represents constituents from the my District. I have had prison guards talk to me about the death penalty and they're scared. Our prisons may be in bad shape as the previous speaker indicated. I don't doubt that. We also have people working in there who are concerned about their lives. Now if you have somebody in a prison who knows that he has very little chance of ever getting out. He's got nothing to lose by killing a prison guard. And this has happened in Joliet recently. If the death penalty is a deterrent and I'm not arguing that point, but if it is in this particular case on House Bill 21, this is the one legitimate place where we can suggest that it is a deterrent. I think that we are going to have to look at all these Bills, but I think that this one is a good start if we are going to have to support a death penalty and I rise in support of this Bill."

Arthur Telcser: "Gentleman from Cook, Representative Washington."



Washington: " Mr. Speaker and members of the House, this is the first of a series of four or five bills dealing with this subject and I'm afraid that by the time we get debating them all, we'll be pretty tired, so I'm going to be very brief. The issue before us today, may I have some order, Mr. Speaker? Mr. Speaker and members of the House, the issue before us today is not the question of whether or not the death penalty should be invoked because of desire for vengeance, the issue before us today is not a question of whether or not capital punishment deters criminals or not, the issue before us is obviously not rehabilitation. The very simple issue is this, can we in the General Assembly write a bill which will be declared constitutional by the Supreme Court. I submit to you ladies and gentlemen, may I have some order Mr. Speaker please? I submit ladies and gentlemen, that there isn't a lawyer in the House, or perhaps in the country outside of the Supreme Court that could say 'aye' or 'ney' on that question. We simply do not know, I'm not going to bore you with all the legal niceties of the Furmon vs Georgia decision. Suffice to say, that it was so confused, and so fouled up that nobody could find his way through that quagmire. What your doing here today, if you pass this bill or any of these series of bills is simply wasting your time. We do not know the answer. There are sufficient bills past in other states which will guarantee that there will be another determination on this question on whether or not the Supreme Court would uphold mandatory death sentences. I don't think they would, but



that's my guess. There are others who believe... who take the opposite position. The point is, that matter will be tested. There simply is no logical reason for us to spend our time with this age old question anymore. We have some very serious business confronting this House. Namely to wit who is gonna get a peice of the action in this state, how are the funds gonna be divided, what are the appropriations gonna say? I think we should address ourselves to that question, rather than taking the interminable amount of time which we're obviously gonna take addressing ourselves to a question that we simply cannot resolve. I say in concluding, if you talk about deterrence, if you talk about vengence, you are not relevant to the issue. The simple issue is, can this General Assembly, write a constitutional bill invoking the death penalty in any case? And unless you honestly think that, don't pass this bill and go tell the people of the state of Illinois that you have stopped the murder of guards, because you haven't. And you can't honestly say that, don't tell the people that you have stopped the murder of policemen because you haven't, and you can't say that. Tell the people of the state of Illinois what you should tell them. We do not know the answer and until we know the answer, were not gonna waste your time and money passing laws.

Arthur Telcser: "Gentlemen from Cook, Representative Huskey. Did you seek recognition, sir?"

Huskey: "Mr. Speaker, I rise in support of House Bill 21. We can talk on this floor, we can talk of abortion and we can



talk of other things, but if we talk of a deterrence, to stop murder than there's alot of opposition. Put yourself in the place of a prison warden, having to go tell the wife of a guard who has been killed with five or six kids, that her husband has been murdered by an inmate, where maybe a deterrnt or a pure of a death penalty would have avoided that murder. So search your conscious very carefully, talk to your police, talk to your prison guards, and search your conscious very clearly because this bill is not designed to kill anyone, this bill is designed to save lives."

Arthur Telcser: "Gentlemen from Macon, Represenative Borchers:"

Borchers: "Mr. Speaker and fellow members of the House, it's always a constant amazement to me to hear the liberal about the so called social justice. I'm am going to tell one thing only, in relation to all of these bills. We all know Speck, perhaps he hasn't killed as yet a prison guard, but who is worrying here, the liberal element, about those seven girls at this moment moldering in their graves. Not a one of them. Who cares about the children they might have had, that will never see the light of day, the liberals?...they could care less. They worry about the guy Speck, who butchered them one by one, all of them listening to the preceding girl being butchered. No thought is given to their rights, only of his. He's a young man, he could be in prison for another forty or fifty years at our expense. He'll have a roof over his head, three square meals a day. Sure he's locked up, but he's got TV privilages, he's got radio privilages, I hear he's taken



up painting and sold a painting for 500 hundred dollars. And I understand, and I believe it's been in the paper, that these..some of the ah.. victims families have gone to court to ah..hold what money he earns for them, which is just. But as far as the Supreme Court going with the main stream as was mentioned a moment ago, of American thinking, that's far from the truth. The truth is just the opposite. The Supreme Court is not going with the main stream. And now to end this, as a tax payer of this state, and this United States, I simply don't want my money to keep that kind of a so and so alive. I want him dead, and don't want to make any hesitancy of saying so. I think we should get rid of most of these murders..ah..beast like, and be through with it once and for all and save some of the tax payers money. I resent the idea that this man can live at my expence for another maybe forty, fifty years."

Arthur Telcser: "Gentlemen from Sangamon, Representative Londrigan."

Londrigan: "Mr. Speaker, ladies and gentlemen of the House, I rise to support this bill, it is time...long over time, we took a look at the victim. We had a gasoline murder of an attorney here in Springfield this last week-end which obviously was premeditated. If a person comes into your home, if he comes into my home shoots me, shoots my family, he has forfeited his life. It is time we look to the victim. We can cry all we want and argue whether or not if it is a detriment. But whether or not it is a detriment, we must do



something to show our concern for the victims of our society and I think that's what were doing by this bill and other types of bills, we are trying to protect society, and I encourage your vote."

Arthur Telcser: "Gentlemen from Cook, Representative Duff."

Duff: "Mr. Speaker, in referring to this bill, I'd like to address myself to the comments to the Representative who said that there is no certainty that we do the work to find a constitutional answer to the death penalty. If in fact, this House and this body wants a death penalty at all. It is very true that the affirmed decision of the United States Supreme Court visited upon us an extremely difficult task a most complicated five to four decision with nine separate opinions. Elaborateness indeed, to and pawn the death problem. The fact remains however. And I would mention to the gentleman who has spoken against this bill, that two years ago I joined with you on the seven year moratorium, as a co-sponser, because I indeed would like to know more, I indeed would like to have facts, all of us would like to seriously consider the importance of this question. Today however, as a chairman of this committee I can say to you, that I am confident that with the cooperation of all of the members of the subcommittee and the sponser of this bill that this bill, in my opinion, the best effort in solving this specific problem of the death penalty in Illinois. Now as to whether or not there is a vengefull attitude towards capital punishment, I don't brook that opinion. As to deterence, I query."



As to rehabilitation, obviously the death penalty is something put aside in that respect. But if there is deterrence anyplace in capital punishment, it has to be for the protection of prison guards. And until we have the opportunity to know more, than I have to back of the moritorium aspect. I have to pray and hope I've come with a proper solution and I have to function to try to protect those persons who put their lives in jeopardy within a prison atmosphere."

Arthur Telcser: "Gentleman from Cook, Representative Kosinski."

Kosinski: "Mr. Chairman, ladies and gentlemen of the 78th General Assembly. I should like to remaind you that the People of Illinois are constituents; the people who paid us by referendum desired to retain the death penalty, despite the over-ride of the Supreme Court. In consequence, as an exponent of those taxpayers, I shall vote for this death penalty."

Arthur Telcser: "Is there further discussion. If not, the gentleman from Cook, Mr. J. J. Wolf, to close the débate."

Wolf: "Well first of all, Mr. Speaker, Members of the House, this is not an eye for eye philosophy. And I'd like to correct a couple of statements that were made by previous opponents who spoke against this Bill. First of all, the Supreme Court did not declare the death penalty to be cruel and unjust punishment. That



was only the opinion of two of the nine Supreme Court Justices in their five to four decision. And as far as defense goes the court has ruled that the defendants are entitled to defense even if they can't afford it, it will be provided for them. Now we are told we have time, but we may have time, but the victims don't have time. And if you have a hang-up about killing, I would suggest that it be better directed in favor of the victims and the innocent people on the streets, and not haul off the crime towel for the criminal. The difference in killing a prison guard or a rape murder victim and a convicted criminal, is that the victims were innocent and the one who murdered them is guilty. If you believe in representative government then you ought to follow the man...they.. the people of Illinois who voted over two to one to preserve capital punishment in Illinois and I solicit your support."

Arthur Telcser: "The question is should House Bill 21 pass, all those in favor signify by voting 'aye', the opposed by voting 'no'. The gentleman from Livingston, Representative Hunsicker, to explain his vote."

Hunsicker: "Mr. Speaker and ladies and gentlemen of the House, I asked for recognition before the final closing here. I just want to say this. It was said awhile ago in debate, that the poor pay the penalty and the rich get off with a light sentence. Well if they do, I think it's because of lawyers who try and skirt the law. It's said that the death penalty is no deterence for murder and I say the reason that



it isn't is because it is not used. Sure, it's cruel, I'll admit that, so is murder cruel and the one who commits murder didn't think about that at the time either. Why hasn't Speck been executed and why hasn't Sirhan Sirhan been executed? These are two shining examples. It's because of our attorneys and our court systems and I say apply the law in the death penalty, will be a deterrent to murder, and I am happy to vote 'yes' and urge the passage of this bill."

Arthur Telcser: "Gentlemen from Cook, Representative Getty."

Getty: "Mr. Speaker and ladies and gentlemen of the House, I rise to explain my vote. The House Judiciary Committee too, after very serious consideration and after placing this question of the death penalty bill into a sub-committee, came up with what it thought was the best possible bill, or series of bills in which the death penalty could be constitutional. I want to emphasize that there is certainly no guarantee that this bill or any bill before this House will be finally held to be constitutional. I believe that this is one of the narrowest in it's scope. If the sponser has accepted the committee's amendment, I believe that it has the best possibility of being held to be constitutional and therefore I will cast my vote 'aya'."

Arthur Telcser: "Gentlemen from Will, Representative Leinenweber."

Leinenweber: "Thank you Mr. Speaker and members of the House, I rise to explain my vote on this bill. I'm going to vote 'aye' because of the firm conviction in my own mind, one that is difficulty of proof, and the death penalty particularly



in this situation, is in fact a deterrence. In my opinion this deters the killing of one guard, of one prison official in the execution of ten convicts who kill prison officials is fully warranted, therefore I am going to vote 'aye'."

Arthur Telcser: "Gentlemen from Cook, Representative B.B. Wolfe."

B.B.Wolfe: "Mr. Speaker and ladies and gentlemen of the House, All of the case history cited to support a 'yes' vote of this bill, are cases which accrued, it states that had the death penalty. Now since the Supreme Court has made it's ruling ah.. concerning the invalidity of the death penalty, and the unconstitutionality of the death penalty, I have not heard on the floor of this House, any cases since that opinion, any ransom cases, or volument cases, either including prison guards, uniform police, and soforth, ah.. that have taken place since that Supreme Court decision. I've heard no convincing arguments that the bill before this House is any more constitutional then the other bills that we on. And in view of this question, and in view of the fact that there is no present urgency to consider legislation which is one unconstitutional and two, which does not reach the heart of the problem, I will vote 'no'."

Arthur Telcser: "Gentlemen from Cook, Representative R. Walsh:

Walsh: "Mr. Speaker and ladies and gentlemen of the House, Just briefly, in explaining my vote, which is 'no', I would like the membership to know that I am not voting against this bill because of the reason indicated by one member that our penal institutions and incarceration therein may in itself



be a justification for murdering a prison guard or a law enforcement official. I think that is purely ridiculous. As a matter of fact, Mr. Speaker, I have opposed bills to abolish the death penalty and I am in favor of a capital punishment act for murder, but act. I am opposed, Mr. Speaker, to any legislation which would require the imposition of a mandatory death penalty and I vote 'no'."

Arthur Telcser: "Gentlemen from Shane, Representative Grotberg."

Grotberg: "Mr. Speaker and ladies and gentlemen of the House, I rise to explain to explain my 'yes' vote. As a man who has worked all of his life, trying desperately to bring some order out of the chaos called our social problems of this day. I cannot help but feel, that if the court of last resort is the ultimate discipline on this specific condition that are implied in this piece of legislation. There is no more heinous crime, to those of us who built the system that puts men and women away for long periods of time, the whole system that is created to put them there, and fails to protect, ultimately those whom we charge with their care and custody. I am compelled to vote 'yes', Mr. Speaker."

Arthur Telcser: "Gentlemen from Cook, Representative Rayson."

Rayson: "Mr. Speaker and members, I wish to explain my vote.

If I were to vote for any capital punishment bill, it would be this one. But I see no need for any of us at this time to vote for this when some states who have passed mandatory bills are up now for review. And the second reason and act. and this is actually the credit of sponsors and the bill is



so narrowly drawn that it seems to applicable to only to those who are escaping from prison in transit, from one institution to another, and I don't know how many opportunity this happens, except maybe in a rare occasion in a Georgia chain gang. Maybe that is the ah.. the problem, the problem that seemingly is that when two justices said that this is unconstitutional per se, the death penalty, and when three justices almost said this, but said that mandatory death penalty cases are not before at this time, and when three of the four decenting judges try and interpret three of the majority judges, and reading in a minority way some seemingly ora of authority for mandatory death penalties, I say we're on shakey ground. So I suggest that even though I have some compassion with the attempt with the co-sponser to make a meaningful bill, as a derterence, I say we can't abide this one narrow limitation and I suggest that this bill as well as some of the other companion bills go down.

Arthur Telcser: "Gentlemen from Cook, Represenative Caidwell."

Caldwell: "Thank you Mr. Speaker, Ladies and gentlemen of the House, I rise to explin my vote. This an issue, naturally that's charged with emotion and there's very little reason I would suggest that is going into the thinking of those of us who are voting. I would suggest that there are states that have capital punishment and that I would suggest that there are sufficient ah.. test cases now ah.. that will eventually arrive at the Supreme Court where the study can be given to this matter. I believe that we are now engaging



ourselves in alot of rhetoric which will end up taking up the time and money of this state rather than attempting to solve a problem that has a solution. Now, it's not what the rep-orendom conclude, the question is can all of the lawers on this floor, with the help of others in the Senate, write a constitutional bill that a bill.. involving capital punishment that would stand the test of the Supreme Court? I would suggest that we could not do it and I think that what we are doing here is letting our..bending our feelings and taking up a lot of time. I would suggest that we look at all of these bills together and I going to vote 'no' on all of them because I do not believe that we are going to make any concreate conclutions here, and I would suggest that since we do have a Supreme Court which is the final authority of our land on these matters, I would suggest that we follow the ditates of the Supreme Court, I vote 'no'."

Arthur Telcser: "Have all voted a wish? Take the record. Record Representative Maragos as voting present. On this question there are 110 'ayes', 36 'nays', 1 answering present and this bill having received the majority is hereby declared passed. House Bill 22."

Jack O'Brien: "House Bill 22, a bill for an act to create the crime .. create the crime of murder committed in conjunction with rape and requires mandatory imposition of the death penalty upon conviction thereof, Third reading of the bill.

Arthur Telcser: "Gentlemen from Cook, Representative J.J. Wolf."



J.J.Wolf: "Well, Mr. Speaker and members of the House, basically we could make the same arguments for or against this bill that have already been made, so I'll not go into detail. I would just like to answer one person who explained their vote and would like to point out that in both U.S. Supreme Court decisions, North Carolina, Ohio, and Delaware Supreme Courts have already declared mandatory death penalties is the only legitiment interpretation of Furmon vs. Georgia that we can go.. and I think that that should answer that question, I was just after the same vote."

Arthur Telcser: "Gentlemen from Lake, Represenative Pierce."

Pierce: "Ah.. will the gentlemen yeild to a question?"

Arthur Telcser: "He indicates he will."

Pierce: "In in spirt of the equal rights amendment, which I understand President Nixon favors, would your bill apply to women who rape men, as well as men who rape women? Some members have expressed concern about this."

J.J. Wolf: "First of all ah... I don't concur with the President's veivs and I think that if you read the statute on rape, I think you would have to define that as possibly molesting or something else, I don't think you could fit it into deifnition that's defined in the Illinois statutes."

Pierce: "Then what your saying is your bill makes the mandatory death penalty for men , but not a mandatory death penalty for women, committing this type of felony?"

J.J. Wolf: "No it it makes, no, it makes the death penalty for anyone committing rape, I just don't know under the Illinois



revised statutes how you read it, that a women can be guilty of rape, by the definition of the language that's contained in the statute."

Pierce: " Then your bill might be null and void if we pass the equal rights amendment, Is that correct?"

J.J.Wolf: "If rape is, yes."

Arthur Telcser: "Gentlemen from Cook, Reprerentative Washington."

Washington: "Will the sponser yeild to one question?"

Arthur Telcser: "He indicatetes he will."

Washington: " Ah.. Representative Wolf, your bill provides that if the Supreme Court of the United States or the Supreme Court of the state of Illinois declares this mandatory death penalty unconstitutional then in that event, ah... the convicted person would be subject to 14 years in prison, is that correct?"

Arthur Telcser: "Do you wish to respond, Reprerentative Wolfe?"

J.J.Wolfe: "I'm sorry, I didn't hear, would you repeat the question."

Washington: "I repeat, your bill provides, if I'm correct, that if the Supreme Court of the United States or the state of Illinois declares the mandatory death provisions of this bill, unconstitutional, in that event the convicted person would be subject to 14 years imprisonment...is that correct?"

J.J.Wolf: "Yes, there is..ah..ah..section'D' in this bill provides, on page two, lines 11 throught 15, say that in the event that the death penalty, in effect, is to be held unconstitutional by the Supreme Court of the United States



or of the state of Illinois any person convicted of murder shall be subject to imprisonment in the penitentiary for an indeterminate term, with the minimum of not less than 14 years, so there's is a sentencing provision."

Washington: "Thank you, I hope the members of the House heard the answer, question and the response. The question was if you didn't hear it, that in the event the mandatory death penalty declared unconstitutional, 14 years would be invoke. The answer was that ..that it what's in the bill, that is what he meant. And there inlies the problem. Even the sponser of this bill conceives a proposition made by some of us on the floor today that this bill is probably unconstitutional, he conceives that, or else why put in this additional language. It's not fair just to fill up page I'm certain, he's too serious a legislature to have done that. He is conceiving the very point we're making. And that point is simply this, if you go home and tell people, or the press indicates in any way to the voters of this state that if a person is killed, if a prison guard is killed, or if a policeman is killed, or in the process of rape, the victim is killed, that person is going to the chair, than you are misleading the people of the state of Illinois, because you do not know that to be true. And that is the key here. And I think I've said and others have said here today, 'Why waste time with this?', 'Why not let the other things try it out?' We have alot of important business to do, even the people who have sponsered this bill



have no faith in its constitutionality, and I certainly do not.

Arthur Telcser: "Gentlemen from Cook, Representative Yourell."

Yourell: "Mr. Speaker and ladies and gentlemen, in assessing this type of legislation, I think it's fundamental that we take a close look at it. I think what we must try to come to understand is (1. What is the debt we are trying to punish? If we are reverting back to a particular category of crime, that are punishable because of the persons that are committed against, we are wrong. In life as in death... there must be equality, and there must be equality in the assessment of the death penalty. We must assess the death penalty in terms of the type of crime committed and the type of crime only. Know that only say for it's viciousness, or it's particular cruelty. But once we decide there are privileged categories of people we are indeed trespassing on not unsafe ground. I suggest to you that there is no difference between a policeman who might cut a persons....ah.. murder of a policeman who might get his throat cut ear to ear, and a policeman murdering somebody by cutting their throat ear to ear. Their both guilty, and the assessment of the penalty must in a civilized society be equal. I think we're treading on dangerous ground. If we are for the death penalty, it must be a equal death penalty for everybody who transgresses this particular law and not just a few, and not just a few privileged people who might be offended. We cannot afford to avert back to those days when crime against the crown were



punishable by death, but crimes against the populous were ignored. I suggest we're taking the wrong direction with this type of bill. However I'm not totally opposed to the death penalty per se, and I should be asked to be recorded as 'present'."

Archibald Telcser: "Gentlemen from Cook, Representative Maragos."
 Mr. Telcser: "Mr. Speaker and members of the House, in the previous bill I voted 'present' because I thought of all the bills regarding the death penalty that was rational, in the fact that these people who are convicted already, have nothing to lose and maybe the death penalty would have been a deterrence to that extent. However, I had some question of constitutionality, and that's why I voted 'present'. However this bill here, places many other points, not only constitutionality, but the fact that it may have the reverse effect of what the sponsor is trying to produce. And that is this, that many times we can put a mandatory death penalty on a certain crime they may not.. the court... they lean over to far to a finding of 'not guilty'., in order not to impose a death penalty and cause a consecutive appellacal seizure to result, rather than give that penalty where he can fine them to 20, 30 or 40 years in confinement in the jail. Because of this, I say we are having a reverse affect and we still have a nebulous period of whether the courts are going to use every act of confining and using the death penalty as cruel and unusual punishment - We still have this area to clear up and until we get it more cleared up by the



Supreme Court, I will have to vote 'no'."

Arthur Telcser: "Gentleman from Cook, Representative Kosinski."

Kosinski: "Mr. Chairman and Members of the Legislature. I cannot help but reflect at this moment upon the hundreds of young girls in the State of Illinois, after having their clothes torn from them, was viciously assaulted, raped and bludgeoned or stabbed to death. I think they would not be too concerned with our thinking; nor would they be concerned with constitutionality for a Body that is suppose to legislate. We have courts to decide that constitutionality. These girls hold us to our trust."

Arthur Telcser: "Gentleman from Cook, Representative Rayson."

Rayson: "Mr. Speaker, Members of the House. I would just like to make this one simple point. Four out of five victims of rape are not reported. Four out of five of those who are charged under a capital offense are black and nondescript. Now Justice Douglas, Stewart and White weren't willing to say that the death penalty is unconstitutional per se; only as applied and spelled out the reasons as to why it's discriminatory as applied. I suggest that, like Billy Graham last week, we're manifesting our attitude on racism and suggesting that we're perpetuating a system that is already credited, so I suggest that the application of this kind of a Bill would further disease the system in its indiscriminate and bad way of handling this kind of problem."

Arthur Telcser: "Gentleman from Kankakee, Representative Beaupre."



Beaupre: "Mr. Speaker, Ladies and Gentlemen of the House. For several days last week, we heard debate on this floor, concerning another issue, wherein members of this House pointed up that separation of powers were being violated. It troubled me as a lawyer to look at these Bills, imposing a mandatory death penalty and as a member of the legislative branch to look at these bills imposing a mandatory death penalty and think about that concept of separation of powers. It seems to me that we also have to police our actions in the Legislative Branch. It concerns me that we can convict one or suggest a penalty which is mandatory on our court system and in doing so, it seems to me that we are indeed invading the judicial powers of this State. We are talking about imposing a penalty before a crime is even committed. We are talking about putting what the penalty is as the Legislative Branch before a crime is even committed, and it seems to me that is an invasion of the judicial power to its greatest extent. I think it does fall within the purvue of this Body to determine what the limits and the extent of punishment will be, but for us, to in advance, determine what a penalty will be in any particular case by passing a Bill which provides for a mandatory death penalty, it seems to me invades the total concept of what are courts are functioning for, and that is to provide justice. How we can legislate justice before a crime is committed or an event occurs which is to be tried by our courts, is beyond our power, it seems to me."



Arthur Telcser: "Gentleman from Cook, Representative J. J. Wolf, to close the debate."

Wolf: "Well, in closing, Mr. Speaker, I just wanted to answer - one gentleman pointed out that many rape cases go unreported. I would just like to point out that this is not the death penalty for rape, it is for murder. And there's been a lot of talk about women's rights right here on the floor of this House and elsewhere; well, I invite you to vote for the right of women to be safe on the streets and at home. Now if your concern is more for the criminal, then vote 'no'. But it's up to you to go home and explain that to the women in your district."

Arthur Telcser: "Question is, shall House Bill 22 pass? All those in favor, signify voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Mr. B. B. Wolfe."

B. B. Wolfe: "Mr. Speaker, my 'no' vote doesn't mean that I'm in favor of the criminal. Now murder is murder and I don't care if it's a woman being raped or a House mother wheeling her baby on the street when both the mother and baby are killed in a hold up. Murder is still murder, and all that we are saying with reference to these Bills is one, they're discriminatory. They are selecting certain murder cases and saying that this kind of a murder is more of a murder than another kind of a murder. Now that doesn't make any sense to me. What we are asking is that the posture of the Supreme Court in its opinion, be permitted to ah... take its affect throughout the State, and then to correct any



abuses and so forth, which may be required after we've had a certain experience under a situation in which there isn't a death penalty. We've gone through a century or more of State law in which the death penalty was imposed and it didn't do a thing as far as deterring murders or helping the situation against the criminal. So this is the reason I'm against this Bill because it's discriminatory and unconstitutional."

Arthur Telcser: "Have all voted who wished? Gentleman from Franklin, Representative Hart."

Hart: "Ah... very briefly, Mr. Speaker. I voted for the other Bill, but because in that case, there couldn't be any doubt whether the victim was a guard or other personnel of a correction department. But till now defined or not defined that there was an attempted rape or even a rape, allows too much room for unconstitutional discretion and I vote 'no'."

Arthur Telcser: "Have all voted who wished? Take the record. This question, there are 95 'ayes', 39 'nays', 1 answering present. Waddell 'aye'. Murphy 'aye'. Skinner 'aye'. And this Bill, having received a constitutional majority, is hereby declared passed. House Bill 24."

Fredric B. Selcke: "House Bill 24. 'A Bill for an Act amending the Insurance Code.' Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Sevcik. No, take that out of the record. House Bill 29."



Fredric B. Selcke: "House Bill 29. 'A Bill for an Act to amend the Mental Health Code.' Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Jaffe."

Jaffe: "Ah, Mr. Speaker, Ladies and Gentlemen of the House. House Bill ah.... 29 amends the Mental Health Code of Illinois and makes for the confidentiality of hospitals and mental health records of patients. Its purpose is to make a more definite definition of those persons entitled to Mental Health records. At the present time, the Statute is vague and there are questions as to who may look at the records. This Bill would make the definition more explicit and would protect the people being treated in the public mental health facility and at the same time, protections are left in the Bill, so that persons in government who should have a right to view the records, are able to do so. I might say that this Bill passed out of Committee by a vote of 14 to one. It is supported by the Department of Mental Health and I solicit an 'aye' vote."

Arthur Telcser: "Gentleman from Will, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker. I reluctantly rise to oppose this measure. I, too, sit on the Human Resources Committee and I voted for it in Committee. However, since that time, an amendment has been added which I think could be a very dangerous situation and a dangerous precedent. The idea's a good one; protecting the confidentiality of mental health patients' records. However, on Second Reading an amendment was added which worries me. And that basically



would empower the Director of the Department of Mental Health to secure current, clinical diagnosis of anyone who has been in any hospital, private as well as public, to give that information to the U.S. Secret Service. If the amendment had limited itself to clerical data, I would have no problem with it, but the language goes far beyond that and allows the Director of the Department to send to Washington clinical data on anyone he deems the Secret Service should know about. I worry about that when the records of any patient of any private or public hospital can be thrown open and anything he has told a psychiatrist or any information that psychiatrist has indicated in the records, could be shipped to Washington in this manner. I think we are talking about something that Representative Jaffe is concerned about, which is the confidentiality of a patient's records and I think this goes beyond what is necessary and I urge a 'no' vote on this Bill."

Arthur Telcser: "Gentleman from Lake, Representative Matijevidh."

Matijevidh: "Ah... I would like to ask the sponsor a question. Could I ask him one?"

Arthur Telcser: "He indicates a yield."

Matijevidh: "Well, Representative Jaffe, I know what your intent is in this Bill. Would you be amenable to holding this or sending it back to Second Reading where we can work out an amendment? I think Representative Kempiners has a valid argument there and I think we all in Committee at least, I'm on that Committee, too, we were all in favor of your



concept, but I think we do have some difficulties with Amendment No. 3. I'm sorry we didn't catch it on Second Reading. But I wonder if you would be amenable to holding it on Second and bringing it back where we could work it out."

Jaffe: "John, let me say this to you. I certainly want to amenable to you. As you know, I agreed to hold the Bill on Second Reading for over a week, which I did. I have circulated the amendment to everyone from the Committee. Representative Polk introduced this amendment and it was accepted on the floor of the House without any objection to the law. I might say in answer to Representative Kempiners' argument that it really isn't as broad as you would like to make it seem, because right now, everybody and his brother goes into those mental health records, and as you know, this Bill would stop anybody from any local government, state government or federal government from going into those records, except when in the judgement of the Director, and is necessary to protect the lives of the persons the secret service has to protect. My feeling would be, I'm not hard-nosed on it, I'm willing to hold it. I think we also ask Representative Polk whether or not he would be willing to ah.... amend his amendment and let's hear from him and then I'll decide which way I'm going, John."

Arthur Telcser: "Gentleman from Rock Island, Representative Polk."



Polk: "Mr. Jaffe, I rise to support your Bill. House Bill 29. Mr. Matijevich, we have the opportunity to ah... amend this Bill on second reading. I think we gave it a complete hearing. Mr. Lundy asked questions that day. Mr. Kempiners had the opportunity.... this specific legislation states that the Secret Service will carry out the mandate that they physically have, and that mandate simply states that when an elected Federal employee is threatened, that they have the right to check the clerical and clinical data. Now, at the present time, they can do this by court order. All we're doing is simply allowing them to do their job as we attempt to do our job daily. And those of you who have ever received a threatening letter on your life, from a person in a mental institution, know exactly how you feel when you leave that House every night and get in your car and wonder if there is going to be somebody standing out there with a gun. Now we've had enough political assassinations, enough letters of this type, and I support this legislation."

Arthur Telcser: "Gentleman from Representative Kempiners, for what purpose do you rise, Sir?"

Kempiners: "A point of personal privilege, Mr. Speaker. My Name was mentioned."

Arthur Telcser: "Stand your point, Sir."

Kempiners: "Ah.... I agree with what Representative Jaffe said. As I said, I really feel strongly about what he is trying to do, and what I would like to do is, and what I would like to do, if I could support this Bill, if he would indicate



to me in some way that he be willing, if he doesn't bring it back to second reading, to try to amend it in the Senate to take out that current clinical data."

Arthur Telcser: "He may do so when he closes debate. Do you wish to respond, Representative Jaffe."

Jaffe: "You know, I would be amenable to doing that in the Senate, if you want to. This Bill has been languishing over here for such a long period of time, and as I said I kept it on Second Reading for so long that ah... I would just like to dispose of the Bill one way or the other."

Arthur Telcser: "Representative Matijevich, for what purpose do you rise, Sir?"

Matijevich: "Mr. Speaker, I think the backplay here was in response to a statement that I made, and Representative Polk was sort of answering my question, and I really think that actually the amendment puts the onus on the Director, and if were the fact, we all realize that there are some who threaten the lives of the President or Public Officials. and we're not saying that those records shouldn't be made available, but under the amendment as I read it, it puts the onus on the Director of the Department where he could go on fishing expeditions to find out if anyone in a mental institution is a threat to the President, etc. So I don't think the language of the amendment is good. Aaron, I'm sorry if you persist in holding it. I'm going to have to vote against you. I realize we held it on Second Reading. Probably we are at fault because we send these Bills out



of Committee, because truthfully when they do get on the floor of the House, we're lucky if one Member of the Committee is really watching out for that particular amendment. But I think it's a defective amendment. In order to make the Bill a good Bill, we ought to hold it here in the House until we make that change."

Arthur Telcser: "Gentleman from Cook, Representative Douglas."

Douglas: "I feel very much as Representative Matijevich does and I would also like to urge Representative Jaffe to hold this Bill. It's my impression, Aaron, that... that what has happened is that the Bill that we voted on in the Human Resources Committee has been severely handicapped. Now I think there is an additional onus that nobody has addressed themselves to. And that's the onus on the doctor who makes a clinical diagnosis which has psychiatric implications. A clinical diagnosis of a psychiatric nature is a very easily misused piece of information. I would be completely opposed to this Bill, as this amendment makes the Bill right now. I think it is bad. I think that the members of this House, regardless of what position you take, should recognize what it means arbitrarily to hand out a current clinical diagnosis. A clinical diagnosis, which includes words like Schizophrenia and pyromania and a whole bunch of other psychiatric words, which psychiatrists themselves don't agree on, could be very easily misused, and I would urge that this Bill be brought back, because as the Bill is right now, it's a severe imposition on the patient. It's a potential



misuse of medical and psychiatric information and I think that the amendment has made what could have been a very good bill, into a very bad bill, and I would have to vote 'no' on it, unless we bring it back to Second Reading and try to deal with that amendment in some other form."

Arthur Telcser: "Gentleman from Cook, Representative Hyde."

Hyde: "Ah.... thank you, Mr. Speaker. Would the sponsor yield to a question?"

Arthur Telcser: "He indicates he will."

Hyde: "Ah.... Representative Jaffe, if the Federal Bureau of Investigation or ah.... say the Airport investigative arm, the Office of Special Investigation, or Naval Intelligence or some agency of government was doing a background check on someone who under consideration for a very sensitive post, say a top secret post in the military, ah.... is it your understanding under this Bill, that this information would not be available to that governmental agency?"

Jaffe: "Henry, under this Bill, that information would not be available to that agency. The only Federal agency... as a matter of fact, the only governmental agency that it would be opened up to would be the secret service and then only in the judgement of the Director of the Department of Mental Health for the State of Illinois and it is necessary to protect the life of the person who the Secret Service is required by Statute to protect. I would like to say that right now it is being done anyway, and as a matter of fact local government, state government, state agencies, federal



agencies, are all poking their nose in mental health records today, and my Bill really tightens up the situation. And if you are going to defeat this Bill, in essence what you are going to do is you are going to leave the law in the way it is and you're going to leave it so that everyone in the world can have a look at mental health records."

Hyde: "Well, just let me asked this question. If somebody was under consideration, say within the military, or the Secretary of Defense of the United States, who might very well have the power of life or death over people, and his mental stability would be a very essential for the appointing authority to know, ah... don't you think this information ought to be made available for the good of the country?"

Jaffe: "Henry, I just am going to tell you that we argued long and hard over this particular amendment and this amendment was adopted with the o'okay of the Department of Mental Health and also with the o'okay of the U.S. Attorney's Office. You know, when you can get the Department of Mental Health and U.S. Attorney's Office to finally agree upon an amendment, I think it's a good one."

Hyde: "One last question. What about civil process? What about say a conservatorship suit where ah... someone is seeking to have someone adjudicated incompetent; there's a lot of money involved, which it is felt might be dissipated ah... would the information be amendable to a subpoena to be brought into court so that the trier of the fact might determine or the examining psychiatrist might determine



whether or not the ah... respondent to the suit is or is not incompetent?"

Jaffe: "Henry, ah.... the court always has jurisdiction and if you'll look at the Bill, Line 15 says 'by any Circuit Court in which the mental condition of the patient is or has been a matter of inquiry or question'."

Hyde: "Thank you."

Arthur Telcser: "Gentleman from Cook, Representative Lundy."

Lundy: "Mr. Speaker, Ladies and Gentlemen of the House. I serve on the Human Resources Committee which reported out this Bill and I share the thought shared by some of the other members of the Committee, that we probably ought not in the future report a Bill when they are not in final form for passage, but after this specific Bill, I support it in its present form and let me tell you why, despite the objection of some of the other Members of the Committee. What we have to compare this Bill to, is not a perfect Bill, but the existing state of the law. And the existing state of the law is that there are absolutely no restrictions on the persons, government agencies, to whom the Director of Mental Health can distribute this data. Now this Bill imposes significant and substantial restrictions on persons to whom this data can be distributed and I think the question we must focus on is this Bill, in its present form, an improvement over the present state of the law. I think, without question, it is. It imposes some substantial restrictions; it protects the privacy of mental health



patients to a considerable degree ah... more than the existing law, and it seems to me that's the question we have to focus on here. Now if we are going to vote for this Bill, because it isn't a perfect Bill, and we follow that principal throughout the rest of the session, I think we will pass very little legislation in this House."

Arthur Telcser: "Gentleman from Cook, Representative Mugalian."

Mugalian: "Would the sponsor yield to a question?"

Arthur Telcser: "He indicates he will."

Mugalian: "Will the sponsor yield to a question?"

Arthur Telcser: "He indicates he will."

Mugalian: "Representative Jaffe, doesn't Amendment 3 have this possible result? Could not the Director of Mental Health of the State of Illinois decide that it's important for the Secret Service to have the clinical data of everyone in all the hospitals to be absolutely sure that no one is threatened?"

Jaffe: "Dick, let me say this to you. Under the present state of the law, the Director can give out the information to anybody that he feels that he ought to give it out to and he can give it out to the Department of Corrections, he can give it out to any department in the State. He can give it out to the Illinois Commerce Commission today if he wants to. And that's why I introduced this Bill. I want to tighten up the law. I'm telling you that it is not a perfect Bill, but when it gets over the Senate, o'okay maybe we will amend it, you know, so that it will meet the objections of some of the people have here, but nonetheless,



at the present time, for the Commerce Commission to look at it, the Racing Commission to look at it, everyone can look at these particular records. The Director can make them open to anybody. And what my Bill seeks to do is close that gap."

Mugalian: "Another question. Representative Jaffe, the present law does not permit disclosure of clinical data to any Federal agency, does it except for a very limited purpose to welfare?"

Jaffe: "Let me just say to you that ah... the matter... this Bill was originally formulated by the Welfare Council of Greater Chicago, and there concern was this. That they have many people that were actually being treated publicly, who became afraid of going down and being treated because they knew their records were open everybody and their brother. And the Bill was introduced to close that particular gap. Now I think everybody is hung up on the last amendment, which gives the Secret Service the right to asked, and I must stress that, they must asked the Department of Mental Health, and the Director must give that o'kay. The onus is still upon the Director in this particular instance, and it says the Director can only give it out to the Secret Service. He can't give it out to the FBI. He can't give it out to the Department of Corrections. He can't give it out to anybody, but the Secret Service, when in his judgement, somebody that they have to protect is in jeopardy."



Mugalian: "One more question. Representative Jaffe, in protecting the life of Federal officials, does not the FBI often assist, and would it not be possible for Secret Service information to be given to the FBI, so that eventually the FBI may have raw clinical data on everyone that has been in a hospital in the State of Illinois?"

Jaffe: "Well, Dick, you know, anything is possible. As I say right now, ah... you know, we make the law pretty specific and we limit the Director and the onus is then upon the Director. Right now there is no onus on him and he can give it out to anybody that he wants to. As I say, if he wants to give it to the Racing Commission, he can give it to the Racing Commission. If he wants to give it to anybody else, he can. And what we are trying to do is tighten up the Bill, and I really think in essence what you are trying to do, you know, is you are trying to kill a fly with an egg."

Arthur Telcser: "O'kay, the gentleman from Cook, Representative Jaffe, to close the debate."

Jaffe: "Ah, Mr. Speaker. I think that this Bill has been well debated. I think this would tighten up the law to a tremendous expense and I am just going to urge an 'aye' vote on it."

Arthur Telcser: "Question is, shall House Bill 29 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative Katz to explain his vote."



Katz: "I believe that the sponsor of the Bill has done a great service in directing attention to the availability of hospital records. I believe, however, that I'm concerned by the objection of the Illinois Association for Mental Health, which I know to be an intelligent organization in the field. I'm concerned about the availability of clinical data, which can be very broad and quite damaging in this day of the media. I see no reason really why this Bill, as it emerges, even though as my colleague from the 11th district says it is certainly much better than the law that has hereto existed. I don't know why the Bill should not be in a form that is wholly acceptable and it does not cause any doubts. Accordingly, I want to be recorded as present on the Bill. I would like to vote for the Bill if it could go back to Second Reading with some amendments that I think would be protective of the privacy of mental patients. I'm concerned incidently that this may apply not only to public hospital records, but also private hospital records. I hope that it will go back to second reading and that when the Bill comes again to Third Reading it will be in an excellent form that I can vote for as a Bill that really solves the problems in this field. Record me as 'present.'"

Arthur Telcser: "Record the gentleman as voting 'present. Gentleman from Will, Representative Kempiners. Record Representatives Mugalian and Matijevich as voting 'present' also. Representative Jaffe, for what purpose do you rise?"



Jaffe: "Ah.... I can tell the difference between red and green and I would just like to take it out of the record at this time."

Arthur Telcser: "It's too late to take it out of the record, Representative. You can move that it be put on the Order of Postponed consideration. You can put it on postponed consideration, but once the roll call is started, as I recall the rules, ah... you would have a whack at postponed consideration. Representative Kempiners, for what purpose do you rise, Sir."

Kempiners: "Parliamentary inquiry, Mr. Speaker."

Arthur Telcser: "State your point, Sir."

Kempiners: "If this is placed on Postponed Consideration, can he bring it back to Second Reading for amendment?"

Arthur Telcser: "Yes he can, Sir."

Kempiners: "Thank you."

Arthur Telcser: "You want it postponed? O'okay, the gentleman's asked that ah... House Bill 29 be put on the order of postponed consideration. Hearing no objections, it will be put on the order of postponed consideration. House Bill 48."

Jack O'Brien: "House Bill 48. 'A Bill for an Act to amend Section 2 and 6.07 of the Fair Employment Practices Act.' Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Caldwell."



Caldwell: "Thank you, Mr. Speaker. House Bill 48 is a Bill that amends the Fair Employment Practices Act by allowing the Commission to initiate complaints. This Bill passed this House last session and at that time, the Illinois State Chamber of Commerce had some objections because in that form, individual members could initiate complaints and ah.... they had some ah... questions about one individual being able to do this, even though he was a member of the Commission. The State Chamber of Commerce suggested an amendment and agrees with the Bill in its present form and is supporting it whole-heartedly. This is not a new concept as we know the State has had a Fair Employment Practices Commission for a number of years, but it has been somewhat ineffective because the complaints always had to be initiated by the person agrieved. I would hope that all the Members of the House would pass this Bill in its present form."

Arthur Telcser: "Is there any discussion? Question is, shall House Bill 48 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. Mann 'aye'. Stone 'aye'. Bill Walsh 'no'. Collins 'no', Duff 'no'. Let's see what the sponsor wants to do. Representative Caldwell, for what purpose do you rise, Sir?"

Caldwell: "Mr. Speaker, ah.... I'm sure that ah.... that many of the Members who didn't vote, perhaps didn't understand ah.... the Bill. Ah.... I would suggest that we poll the



absentees. Could I have a new roll call?"

Arthur Telcser: "O'kay, we will give you a new roll call.

We saved the Clerk just now. The question is, shall House Bill 48 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Mann 'aye'. Gentleman from Franklin, Representative Hart to explain his vote."

Hart: "Ah... very briefly, Mr. Speaker, to explain my vote.

Representative Caldwell has a good Bill here. We are either going to have an FEPC or we are not going to have one. There is no reason to give lip service to the thing and not have some strength in it, and the objections to the Bill that he passed ah... last year have been met, and I think we ought to give this Bill the necessary vote to ah... make the Act mean what it means and do what it is suppose to do."

Arthur Telcser: "Gentleman from Cook, Representative Hyde."

Hyde: "Ah... Mr. Speaker, Ladies and Gentlemen of the House, I disagree. I do not think this is a good bill, and I would remind you that just a week or so ago, we voted to provide school teachers with an independent attorney or person appointed by the OSPI to hear the charges placed against him by the Board of Education, feeling how inappropriate it would be to have the person who makes the charges hearing the complaint. Now what the Bill does is just the reverse approach. It makes the Fair Employment Practices Commission, who is to hear the merits of the complaints, the complainant, so the prosecutor is the judge and the



jury. I think this is a big step backward from the Fair play that this House voted on with school teachers and I would urge the defeat of this Bill."

Arthur Telcser: "Gentleman from Cook, Representative Washington."

Washington: "Mr. Speaker, Members of the House. I just want to make two points very briefly. First of all, it is quite evident that there is no institutional opposition to this Bill. The Illinois State Chamber of Commerce, as a matter of fact, drafted the Bill for Mr. Caldwell, so it is quite evident that they are too much concerned about that. Furthermore in response to the distinguished gentleman, Representative Hyde, this is an old practice of regulatory organizations. Regulatory agencies. There is nothing wrong as long as long as the Commission takes a vote on whether or not they will initiate a complaint. This cannot be left as any one Member of that Body, but the whole Body takes into consideration whether or not a complaint should be initiated. It is not, I don't think we should confuse, I don't think we should confuse the prosecutor function with that of the judicial - It is an old practice granted to regulatory agencies. There is no reason why we cannot assume that the Members of the Fair Employment Practice Commission, who have a good record of achievement, would be very cautious, very conservative in their approach to this problem; there's no reason why we can't give them this additional function. They want it. The Illinois



Chamber of Commerce supports it and I think this Body, as a matter of fact I know this Body has passed this Bill out on two other occasions. I urge your support."

Arthur Telcser: "Gentleman from Cook, Representative Duff."

Duff: "Mr. Speaker. This is a very serious Bill, clearly and if those persons who have their book handy will look at the Bill as it is put in our Bill Book, all it has in it is the Section on definition and in the Section on definition it reads very clearly that the complaintant is any member of the Commission who has reason to believe, whatever that means, and charging by his own initiative, whoever he may be, that's my parenthetical statement, that an unfair employment practice has been or is being committed. This gives every single member of the Commission, witch-hunting powers, and furthermore, the Bill has been drafted only with the Section on definitions, and the Members of this House, has not been given the privilege of having the Act before them, which could have been put in the entire without any difficulty at all, so that we could relate the significance of this to the total Bill, to the total Act."

Arthur Telcser: "Gentleman from Cook, Representative Caldwell to explain his vote."

Caldwell: "Mr. Speaker, Ladies and Gentlemen of the House, In response to the distinguished gentleman who just spoke, the number of this Bill will indicate when it was filed. This Bill has been on the Members desk for over a month. If they will look in their Bill Book, the amendment which



Illinois State Chamber of Commerce ah... drafted - it was passed by the Committee on Human Resources - And it simply points out specifically that a majority of the Commission must pass on a complaint for it to be valid and for it to be considered, and I would suggest very strongly ladies and gentlemen, that if we are here to take care of the peoples business in the State of Illinois, we have long, I, among many individuals, worked for a period of sixteen years before the House or the Legislature passed a FEPC Bill. And it has been on the books for a number of years and the State Chamber of Commerce, the regulatory Body, which I would suggest is the main Body, has accepted this concept in total and they are urging the adoption of the Bill. I would suggest that if the Members would be kind enough to read the Bill, it is not anything that is detrimental to the progress of industry and the progress of the citizens of the State of Illinois. I certainly ah... would hope that Representative Duff would read the amendment and correct himself, because what he said is not true."

Arthur Telcser: "Gentleman from Will, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker...."

Arthur Telcser: "Representative Duff, for what purpose do you rise, Sir?"

Duff: "Mr. Speaker, I don't think it particularly helps the quality of debate in this House that has gone on for the last couple of weeks, for us to continue to violate Rule 57,



which uses members names in debate, but as long as my name has been mentioned, and it is said that what I said is not true, I will repeat the fact that it is true. The Bill that is in our Book only refers to the Section on definitions. It does not refer to the whole historical argument. All the way back through 1965 of the initiative of the FEPC and most of you who were around at that time, will remember the strong problem of the Motorola Case and the subsequent fight over the reappointment of Director Gray. Ah... I do not like the process in this House which causes names to be used in debate, because I seriously think it destroys the quality of good parliamentary procedures."

Arthur Telcser: "Gentleman from Will, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker, I must apologize, because I missed some of the debate on this, but I was in the Committee when it was heard. And my recollection in the Committee was that this Bill will permit a Member of the FEPC to involve himself only when it is a governmental unit and not a private corporation. Now if this understanding is correct, I see no reason to vote against the Bill. I think that government should set a good example for industry, and I think this is one way we can do it, so that it does not involve the private sector, it involves the public sector, and for this reason, I would like to explain my 'yes' vote."



Arthur Telcser: "Gentleman from Cook, Representative Katz."

Katz: "Ah.... Mr. Speaker and Ladies and Gentlemen of the House. I also wanted to explain my 'yes' vote. I have the feeling that more is being made out of this subject than is warranted by the simple facts of it. Ah... as the law is, anyone can file a charge with the FEPC that somebody is discriminating against an individual because he is a Black race or some other group. Now sometimes the situation may arise where a governmental unit is not hiring any Blacks and there's nobody there to file a charge. It is perfectly apparent from the pattern that this is a community that has substantial members of different minority groups, but only one particular group is employed in that area. And all this says is that a Member of the Commission may file a charge in the same way that an individual could file a charge if they had tried to hire an individual and the individual had been discriminated against. All it does is simply permit the same investigative procedure that the Commission has in all other cases to get under way without the formality of somebody signing a charge. Now, it is no different, incidently, than the Federal government does. This power was given by amendment, approved by the present administration and finally passed by Congress to the Federal agency in this field, EOC, and it really would create no revolution, certainly government should be the last one to discriminate. And all it says is if it looks like there is discrimination and if there is no individual who's been



discriminated against who can file a charge that some member of the Commission may sign the charge and thus get this process of investigation under way. I think it is clear that the employer's association in the State would not have endorsed the wild-eyed scheme for revolutionary proposals. It is simply a way of securing equal employment opportunities in governmental units throughout the State without interfering with the basic fact that there will have to be a hearing against that governmental unit. There will have to be evidence of discrimination and there will have to be court review of such a decision, if in fact evidence has not been produced. With those safeguards, I believe, we can conscientiously support Representative Caldwell's Bill. And that is why I am voting 'aye'."

Arthur Telcser: "Gentleman from Cook, Representative Porter."

Porter: "I have a question. Will have be in order at this time, Mr. Speaker?"

Arthur Telcser: "Well, not really, but let's try it anyway."

Porter: "Will the sponsör yield to a question?"

Arthur Telcser: "I think he will."

Porter: "Ah.... Is this ah... Bill.... Does the Complaintant, the Member of the Board who is the Complaintant, is he then disqualified from voting in determining whether the charge is substantiated or not once the complaint has been made, or can he then also cast a vote on that?"

Caldwell: "Well, the way the Bill is that the individual... what happens is when a complaint occurs, the Commission



sits and determines whether or not it's valid and ah... has sufficient depth to be considered and a majority of the Membership of the Commission determines whether it is initiated. The answer to your question is no. The individual, when you say an individual makes it, I want it understood that the way the Commission has been functioning is that the Members don't go out looking for complaints, the complaints come into the Commission from ah... people. And the Board then... the Commission sits down and makes a judgement by majority vote."

Porter: "Yes, but the Member who makes the complaint can then also vote in favor of finding a violation of the law. Is that correct?"

Caldwell: "He can vote."

Arthur Telcser: "Gentleman from Winnebago, Representative Simms."

Simms: "Mr. Speaker, Ladies and Gentlemen of the House. In explaining my position on this Bill - Last week, the Industry and Labor Committee dealt with a similar Bill sponsored by the distinguished Assistant Minority Leader, concerning those complaints in the private sector, and it was the recommendation of the sponsor and those members that presented testimony on behalf of the Fair Employment Practices Commission that a majority of the Commissioners have to institute proceedings along these lines. I'm concerned that we are involving ourselves on two types of procedures; one for the private sector and one again for the public sector. Both of these should be dealt individually."



And for this reason, I'm going to vote 'present' on this Bill."

Arthur Telcser: "Have all voted who wished? Take the record and record Representative Simms as voting 'present'. This question, there are 94 'ayes', 36 'nays', 1 answering 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. O'kay, on the Order of nonconcurrence appears Senate Joint Resolution 25, for which purpose the gentleman from Cook, Representative William Walsh, is recognized."

William Walsh: "Mr. Speaker, Members of the House. I move that the House refuse to recede from Amendment No. 1 to Senate Joint Resolution 25 and by way of explanation, this was the amendment where we removed the words 'with taxing power' from the Resolution that the Senate sent us urging that the Mass Transportation Commission enact legislation for a regional transportation authority."

Arthur Telcser: "Gentleman from Cook, Representative Shea."

Shea: "Ah.... Mr. Walsh, if we refused to recede from our position, is it your intention that we then have a conference committee with regard to this?"

William Walsh: "I don't think I have any voice in that matter. We will have a Conference Committee."

Arthur Telcser: "Gentleman has moved the House do not recede from its amendment to Senate Joint Resolution 25. All in favor of the gentleman's motion, signify by voting 'aye', the opposed 'no', the gentleman's motion prevails."



Representative Maragos, for what purpose do you rise, Sir?"

Maragos: "Mr. Speaker, I would like to advise the Chair at this time, that there are two motions for discharge of committee, which have to be heard today; otherwise they die."

Arthur Telcser: "No, I don't think they die today, Representative Maragos. O'kay. Committee Reports. Is Representative Schlickman on the floor? I don't see him. House Bills. Third Reading. House Bill 54."

Fredric B. Selcke: "House Bill 54. 'An Act making certain appropriations to the Board of Trustees, University of Illinois.' Third Reading of the Bill."

Arthur Telcser: "Gentleman from Livingston, Representative Hunsicker."

Hunsicker: "Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 54 appropriate the sum of \$403,000 to the Board of Trustees, University of Illinois for the Cooperative Extension program for the different counties in the State of Illinois. Those of you who are in the General Assembly during the last session will probably remember House Bill 4361, which was passed at that time. And in this the State is picking up their share of the burden for the extension programs in the different counties in Illinois in the amount one-fourth the amount that is set by the County of the different areas of the State of Illinois. This money is used for youth programs, FHA programs and home extension programs and what have you over the State."



The Bureau of the Budget informed the University the funds cannot be turned over unless this Bill passed through some technicality in the Bill that was passed a year ago. And that is the reason for the legislation. And the Bill came out of the Agricultural and Natural Resources Committee with unanimous vote and out of the Appropriations Committee with two descending votes and one voting 'present'. On that, I will ask for your considerable consideration."

Arthur Telcser: "Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, I wonder if he would answer a couple of questions?"

Arthur Telcser: "He indicates he will."

Giorgi: "I wonder if he'd tell us where the largest expenditure is going to be from this appropriation and then where the money comes from?"

Maragos: "My knowledge, it will come out of the General Fund."

Giorgi: "From my knowledge, it comes out of the Agricultural Premium Fund. Where does it come out of?"

Maragos: "Well, I can't give you that answer. They didn't tell me from the University of Illinois when they asked me to put this in. It either comes out of the Agricultural Premium Fund or the General Fund."

Giorgi: "Mr. Speaker, I think you ought to hold this Bill until he finds out for sure where the money is coming from."

Arthur Telcser: "Well, it's not the Chair who can hold the Bill. It's the sponsor."



Maragos: "I'm informed it comes out of the Agricultural Premium Fund."

Giorgi: "And then will he tell us where the money to go into the Agricultural Premium Fund comes from?"

Maragos: "Yes, Representative, I think you know that as well as I do. It comes out of the money that is collected through taxes that come through the Race Tracks in the State of Illinois."

Giorgi: "It comes from the money that is skinned at the tracks. Right?"

Maragos: "That is correct, I think."

Giorgi: "Then it's used for the Future Farmers of America Clubs and the 4-H Clubs so that the students will raise grade A peas and corn and so on. Would you say ah.... that the use of this money stunts mental attitude or mental growth?"

Maragos: "I didn't get your question, Representative."

Giorgi: "Would you say that the use of this money stunts their mental attitude or their mental growth?"

Maragos: "This is used for the different agricultural programs in the State of Illinois, not only in the agricultural area, but also every county, and if anyone is interested in knowing how much their county is going to receive, I have a list of all the counties in the State of Illinois, I would be happy to tell you how much."

Giorgi: "Mr. Speaker, just a couple of words on the Bill. I'm in agreement that we should use race track gambling money for the uses that the 101 counties, 102 counties, including



Cook, they want to use this money to further advance their Future Farmers of America causes, the 4-H causes, but then when they get a chance to support a good Bill, like the Lottery Bill, then they hide inside their hypocritical shells and I kind of resent this. I felt we would have a little bit of light on the matter today."

Arthur Telcser: "Gentleman from Cook, Representative Lechowicz."

Lechowicz: "House Bill 54 was heard in the Appropriations Committee and it came out without a descending vote. The Bill basically appropriates \$403,000 from the Agricultural Premium Fund to the Board of Trustees of the University of Illinois for support of the Cooperative Extension Program in various counties, and as the sponsors pointed out, there was a detailed break down county by county in each 102 counties in the State - and they do receive this money. This program would include planning and extension, educational programs in agriculture, home economics and other related subject, including 4-H club and community resource development work. This money would be on a one-fourth matching basis and I would hope that the House would support this Bill."

Arthur Telcser: "Gentleman from Cook, Representative Ewell."

Ewell: "Will the Sponsor yield to a question?"

Arthur A. Telcser: "He indicates he will."

Ewell: "How much money does Cook County get out of this ah... program."



Hunsicker: "Well sir, the budget that was approved for expenditure in Cook county was \$101, 017. 67 cents and the budget approved for state matching was \$18, 306 ah... wait a minute now... \$99, 740 dollars and the state funds of one fourth which was included in this bill is \$24,935 dollars."

Ewell: "Cook county is getting \$ 24,000 out of \$403,000 that are coming from the state, is that correct?"

Hunsicker: "The approved was \$99, 740. Getting a fourth of that.

Ewell: "Ya., 24 out of the 403. Could I ask whether this is a hard or a soft match? "

Hunsicker: "No match at all."

Ewell: "Oh I see. Would this bill... would this bill.. be consist of a subsidization of the farm program?"

Hunsicker: "No, it's not considered a subsidization of the farm program because the cities and municipalities that are included in the state of Illinois or to see their their just share. And the city of Chicago will also see their just share... some money out of this from my understandment, because they have home extension programs and cooperating extension programs in the city of Chicago."

Ewell: "One final question...how much money does your county get?"

Hunsicker: My county? Just a second and I'll let you know. Cook county gets more than anybody else, that's a sure thing. Livingston county's budget was \$14, 240 dollars, the budget approved for state matching was \$19,408 and the county gets



4,800 and ah.. wait a minute.. ah I'm on the wrong line here. \$3560 dollars."

Ewell: "One final.. you don't have to answer this now.... "

Hunsicker: "Let me re-quote those figures, I was in the Lee county column here... Livingston county \$14, 240 and the state... the budget for the state matching funds \$14, 240 and a fourth of that \$3560."

Ewell: "I wonder sometime after the session maybe you could break it down for me and give it to me on an individual per person basis in Cook county and Livingston county, after the vote of course."

Arthur Telcser: "Gentlemen from Kane, Representative Grotberg."

Grotberg: "Mr. Speaker and ladies and gentlemen of the House, I would remind you that this bill has to do with what little precious heritage of life in Illinois is all about and to the previous speaker I would address that if we would buy one or two more pillars that are holding up McCormic Place we would gladly furnish him with the figures of any given county, I move the previous question."

Arthur Telcser: "That's not really ah..ah... are there any objections to moving the previous question altho it...."

Ok gentlemen from Cook, Representative Barnes. Gentlemen from Cook Representative Getty."

Getty: "Mr. Speaker, ladies and gentlemen of the House. As a member of the House committee on agriculture and natural resources, I supported this bill in committee. I see no reason ah.. to change my mind, and I will vote 'aye' for it



on the floor and encourage your vote. However I believe it's incumbent upon me to bring to the attention of the House and on the House floor and to you Mr. Speaker a letter which I received and... received and have reason to believe that other members of this House have recently received, on the letterhead of the Cooperative Extension Service. It refers to and makes comment about House Bill 13 and says in part as follows: It is quite obvious that Representative Barnes has very little knowledge of the problems mosquitos present in the Chicago land area. I believe... I believe Mr. Speaker that this is an insult from the Cooperative Extension Service to whom we're ask to appropriate money today. And I think that every member of this House should be insulted by this type of language comming from a staff man of the Cooperative Extension Service."

Arthur Telcser: "Representative Walsh, for what purpose to you rise, sir?"

Walsh: "The gentlemen's remarks would be better made at the time that the bill in question... the bill that he's talking about comes up, and not on this bill."

Arthur Telcser: "I think your point is well taken, sir. Have you finished Representative Getty? Ok. Gentlemen from Knox, Representative McMaster. Did you seek recognition, sir? A lady from Lake, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker and ladies and gentlemen of the House, I move the previous question."

Arthur Telcser: "Lady has moved the previous question, all those



in favor signify by saying 'aye', all opposed 'no', motion prevails. Gentlemen from Livingston, Representative Hunsicker to close."

Hunsicker: "Mr. Speaker and ladies and gentlemen I think this bill has been fairly well discussed and vote for a roll call of favorable."

Arthur Telcser: "Question initial House Bill 54 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Shea 'aye'. Telcser 'aye'. Have all voted who wish? Take the record. This question 142 'ayes', no 'nays' and this bill having received constitutional majority is hereby declared passed. House Bill 69. McGrew 'aye' on the last roll call."

Fredrik Selcke: "House Bill 69, an act to authorize the Secretary of State to issue identification cards, Third Reading of the bill."

Arthur Telcser: "Gentlemen from Cook, Representative Merlo."

Merlo: "Mr. Speaker, at this time I would ask please to include House Bill 70 with 69, they are companion bills."

Arthur Telcser: "Does the gentleman have leave of hearing no objections, the Clerk will read House Bill 70, third reading."

Fredrik Selcke: "House Bill 70 and act making appropriations for the Secretary of State, third reading of the bill."

Arthur Telcser: "Gentlemen from Cook, Representative Merlo."

Merlo: "Mr. Speaker and ladies and gentlemen of the House, Existing here today more than ever before in our lifetime



is the serious problem of identification. And because of the complexity of our society, we must make identification the right of everyone rather than the privilege of those who drive automobiles. Currently, I'm sure you will agree with me that the drivers license is probably the most accepted means to identification. The measure calls for the Secretary of State to issue an identification card to any Illinois resident, regardless of age, who applies and submits the required information. The card would be valid for five years at a cost of two dollars. Among those who would benefit most are the young, the elderly, the physically handicapped, minority groups, persons with difficulty speaking english, and the housewife. I commend Secretary of State, Mike Howlett, who supports this measure for his wisdom and recognizing the importance of providing the vehicle of proper identification for citizens of Illinois. Former state Secretary, John Lewis, when asked stated, I quote: "Its fills a long standing need especially for persons not qualified to hold a drivers licenses to have an effective and legal proof of identification. This bill has the support of the Illinois State Chamber of Commerce, The Chicago Association of Commerce and Industry, a WGM editorial, and the Illinois Association for Senior Citizens and I would appreciate your vote."

Arthur Telcser: "Is there any disscussion? Gentlemen from Knox, Represenative McMaster."

McMaster: "Ah... will the sponser yeild to a question?"



Arthur Telcser: "Ah.. he indicates he will."

McMaster: "Ah.. my only question is, I'm not opposing this I.D. card idea, but ah.. I see that House Bill 70 has a two million dollar appropriation. Is it the feeling that the ah..payment by the citizen or the individual for the I.D. card will support the program?"

Merlo: "Yes, it would Representative McMaster."

McMaster: "Ah.. what would be the cost per I.D. card, do you have any estimate?"

Merlo: "The actual cost of the card would be approximately \$.50."

McMaster: "And that would cover the two million dollar appropriation?"

Merlo: "Well, included in the two million dollar appropriation would be the purchase of the equipment, the storing of records, ect."

McMaster: "But you say that the cost to the individual desiring an I.D. card would be \$.50?"

Merlo: "No, the cost to an applicant would be two dollars."

McMaster: "Oh, well this is what I'm trying to get at."

Merlo: "I see."

McMaster: "Ok, thank you."

Arthur Telcser: Gentlemen from Cook, Representative Lundy."

Lundy: "Mr. Speaker, will the gentlemen yeild to... for several questions?"

Arthur Telcser: He indicates he will."

Lundy: "The gentlemen from Cook ah.. has indicated in his remarks that these identification cards are intended to be a



service to the people to whom they are issued and if they are intended to be entirely voluntary. In light of that I would just like to clarify the gentlemen's intentions ah.. and insure myself and perhaps others who may be concerned about this that it is not his intention that any agency of state or local government should make possession or display of one of these cards a prerequisite or a precondition to the obtaining of any benefits to which the person is otherwise entitled."

Merlo: "Absolutely not, Representative Lundy."

Lundy: "I had one additional question and that is with respect to the administration of the records relating to the card ah.. I take it it is not the gentlemen's intention that these records be open to the public ah... is that correct?"

Merlo: "That is correct."

Lundy: "Can the gentlemen enlighten me as to the extent to which the records would be open to the law enforcement or other governmental investigative authorities?"

Merlo: "The only.. the only thing that would be made known to the person making the request would be the fact that there is a card that exists or does not exist."

Lundy: "Thank you."

Arthur Telcser: "Is there further discussion?" Gentlemen from Cook, Representative W.D. Walsh."

W.D.Walsh: "Well, Mr. Speaker and ladies and gentlemen of the House, this is big brotherism to the nth degree. This would require that everybody in this state, not just those who



don't have driver's license, but everybody in this state to get one of these cards if they would have a check cashed or if they're under age in order to get into a saloon. Or if they're some recipient from some state benefit or county benefit or city benefit, to flash this card in order to be identified. Mr. Speaker, we've lost our individuality enough the requirement to put our social security number on everything that comes before us is odious to say the least. But to do this, to be required to walk around with something that has a picture of us on it in order to be identified, in order to do things that we're normally doing everyday, is wrong. And the fact that the retail merchants like it, doesn't make it right. All it does is simplify a job that doesn't have to be simplified for them, and put the state in businesses that they don't belong in. Let's run state government as it should be done and not extent it, I urge you to oppose this bill."

Arthur Telcser: "Gentlemen from Cook, Representative Totten."

Totten: "Mr. Speaker and members of the House, I to rise in opposition to this bill. I think it would be apropos and fically responsible of this assembly that although the idea may be good, that why can we not use the same drivers license we presently use for means of identification and just stamp it, 'NOT VALID FOR DRIVING', rather than go to the expense of two million dollars at this time for photo I.D. cards? It would appear to me that with the study, the on-going study, in the Secretary of State's department today for I.D. inden-



tification cards that we can wait until that study is complete before we go to photo cards and use the administration that is presently ah.. the administrative ability that is presently in the department to issue cards, just stamp a 'NOT VALID FOR DRIVING'."

Arthur Telcser: "Ok, the gentlemen from Cook, Representative Shea."

Shea: "Mr. Speaker, ladies and gentlemen of the House, I rise to support this measure. There's nothing mandatory in this measure, it let's those people go to the Secretary of State and get an identification card because for some people it's almost impossible to cash a check, it's almost impossible to do many of the things that we do day in and day out without some form of identification. There's nothing mandatory here, it's discretionary. It's fine for the majority leader and some people to talk that they don't need it to cash a check or to identify themselves, certainly not, they're well known people in their area, but there are other poor people, elderly people that need this kind of assistance, and I would ask the House to support this measure."

Arthur Telcser: "Gentlemen from Cook, Representative Katz."

Katz: "Mr. Speaker and ladies and gentlemen of the House, I could be more indignant about the citizens who feel that there might be some value in having an identification card if I wasn't carrying one around with me that certifies that I'm a member of the General Assembly and every other member of this General Assembly is carrying a similar card and if



the citizens of this state want some sort of identification, and this is voluntary, I see no objection to it. So let us give the citizens that which we already have, an identification card in usable form."

Arthur Telcser: "Gentlemen from Cook, Representative Thompson."

Thompson: "Ah.. Mr. Speaker and ladies and gentlemen of the House, I rise in support of this legislation. Not only does it render ah.. a service to the individuals that have these ah.. identification cards, but it also gives the cashier of a check some evidence that he is cashing the check for the proper individual. If your in business, you'll find out what a difficult job it is for people, elderly people and some other people to get a check cashed. And this is a permissive legislation and I see no harm in it and I would urge an 'aye' vote on this particular piece of legislation. Thank you."

Arthur Telcser: "Gentlemen from Cook, Representative Lechowicz."

Lechowicz: "Mr. Speaker, I move the previous question."

Arthur Telcser: "The gentlemen has moved the previous question, all those in favor signify by saying 'aye', the opposed 'no' the motion prevails. Representative Merlo to close."

Merlo: "Mr. Speaker, I just want to read a paragraph from a letter I received from the Illinois Association of Senior Citizens Inc.. 'We applaud your reference in this area. The senior citizen who does not drive is especially needfull of this consideration. You have our unqualified support and urgent request for quick action.' I ask your favorable con-



sideration of this bill."

Arthur Telcser: "Question is, shall House Bill 69 and 70 pass.

All those in favor signify by voting 'aye', opposed by voting 'no', the clerk will take two roll calls. The lady from Cook, Representative Martin."

Martin: "Mr. Speaker, my button seems to be out of order. I'm in full support of this bill and I'd like to be record as 'aye' and ask that my switch be repaired imediatly because I do love to vote. Thank you."

Arthur Telcser: "Ok Peg. Tuerk 'aye'. Martin 'aye'. Have all voted who wish? Take the record. Capuzi 'aye'. Ah.. these questions, there are 147 'ayes', 6 'nays', Schoeberlein 'aye' and these bills have received the constitutional majority are hereby declared passed. On the Speaker's table appears House Joint Resolution number four for which purpose the gentleman from Macon, Representative Borchers is recognized."

Borchers: "Mr. Speaker and all members of the House, this resolution is a resolution ah.. that memorializes Congress and the President in relation to garding of amnest. In short this resolution is a resolution not to grant amnesty barring the President of other Presidents of the United States in the Civil War, World War I, World War II, that is Abraham Lincoln, ah.. Woodrow Wilson, and ah.. Harry Truman, and ah.. well Roosevelt may have or may not have, I don't know if there was anything doing during the war. But, this resolution is one that should be passed after watching what we have seen of the very loyal, the emotional, the deep feeling



of patriotism that was exemplified by our P.O.W.'s coming out of Viet Nam and the things that they endured in behalf of the country, and ourselves, it is something that we should do to show that we think of them and not of those who skipped out and left our land because of, some of them perhaps true positions of ah.. ah..being against war in general. But many of them I've, from my own experience and belief,skipped out because they we're strictly yellow. Now the resolution just does one thing, it allows a person to become american again, repatriated again, if they go through the proper procedure, a court martial or a board of officers or a board appointed by the President for a Presidential pardon. So I solicit your support."

Arthur Telcser: "Gentlemen from Cook, Representative J.J. Wolf."

Wolf: "Mr. Speaker and members of the House, I just wanted to rise in support of this ah..joint resolution in case some members might have some questions about it, it is not amnesty period but only against unconditional amnesty, and I would like to point out that it was passed out of the committee by a vote of 14 to nothing."

Arthur Telcser: "Is there any discussion? Gentlemen from Cook, Representative Washington."

Washington: "Ah.. would you please read the resolved clause, so we know what we're voting on?"

Arthur Telcser: "Would the Clerk please read the resolved clause of House Joint Resolution number four?"

Fredrik Selcke: "Resolved by the House of Representatives of the



78th General Assembly, State of Illinois. The Senate concurring herein. It is the sense of this General Assembly that a general amnesty and any unconditional amnesty without justification historically on principle for the following reasons: 1. No President of the United States has ever granted unconditional amnesty or pardoned deserters or draft evaders without making such pardon conditioned upon some legal consequence involving service to this country and or some oath of loyalty in the future. 2. Granting a general amnesty without requiring those who fled this country, to avoid the draft, to face any legal consequences, would A: be a repudiation of our right to exist by drafting for military service under valid law. B: cause the lowering of the morale of our Armed Forces by establishing a dangerous precedence for the future defense of our country. C: by rewarding disobedience of valid laws, and encouraging such conduct as to other laws against crime and violence. D: be a crowning insult to all of those, all who chose to obey their country's laws, and to serve their country with their lives and be it further resolved, that a suitable copy of this resolution be sent to the Secretary of State, to the President of the United States, and to each member of the Congressional Delegation from Illinois."

- A. Telcser: "Is there further discussion?" The gentleman has moved the House do without House Joint Resolution #4. All those in favor signify by voting 'aye', opposed 'no'. Resolution is adopted." Committee Report...."



Fredric B. Selcke: "Ah.. Mr. Collins from the Executive Committee with which House Joint Resolution #14 , was offerd. Recorded the same back with recommendation that the resolution do pass. Mr. Pappas from Motor Vehicles to which House Bill 236 was referred, was recorded the same.... was returned the same and in pursuant to rule 23D, the bill was ordered tabled. Mr. Collins from Executive, to which House Bill 177 was referred, was sent back with recommendations bill do pass. Mr. Collins, from Executive, to which House Joint Resolution #17, was referred, reported the same back with the recommendation that the Resolution be adopted. Mr. Collins, from Executive, to which House Joint Resolution Constitutional Amendment #10, was referred, reported the same back with the recommendation of the Resolution do adopt. Mr. Jones, J. David Jones, from Higher Education, to which House Bill 295 was referred, reported the same back with the amendments attached, with the recommendation that the amendments be adopted. Bills amended do pass. Mr. Jones from Higher Education, which House Bill 353 was referred, reported the same back with recommendation that the bill do pass. Mr. Collins, from Executive, which House Resolution #7 was referred, returned the same in pursuant of House Rule 23D, the House Resolution was ordered tabled. Mr. Collins, from Executive, to which House Joint Resolution #8, #9, #11 were referred, returned the same and in pursuant to Rule 23D, the House Joint Constitutional Amendment were tabled. Mr. Collins, from Executive, to which House Bill #126, was referred, reported the same back and in persuent to



rule 23D, the House Bill was order tabled. Mr. Bluthardt, from the Committee on Elections, to which House Bills #261, #262, #263 were referred, reported the same back in pursuant to rule 23D, the bills were ordered tabled."

A. Telcser: "Ok, in the order of motions, the gentleman from Knox, Representative McMaster."

McMaster: "Mr. Speaker and ladies and gentlemen of the House, I would like to ask for permission to suspend rule 31F. The purpose of this could be in order to have House Bills #512 and #522 reassigned from the Committee on Revenue, to the Committee on Counties and Townships. I have discussed this with the Committee on Assignment of Bills, I have the agreement of Mr. ah... Representative Klosak, Chairman of the Committee, and ah.. Representative Shea who is member of it. And I also have the agreement of Representative Randolph, who is Chairman of the Committee on Revenue."

A. Telcser: "Is there any discussion? Gentlemen's move to suspend the provisions of rule 31F, for the purpose of re-referring ah.. House Bill 512 to 522. All those in favor signify by voting 'aye', the opposed by voting 'no'. It will take 89 affirmative votes. Martin...'aye'...have all voted who wish? Krause...'aye'. Take the record. Friedland...'aye'. Chote...'aye'. Ewell...'aye'. Maragos...'aye' Jim Houlihan...'aye'. Boyle...'aye'. Londrigan...'aye'. Mann...'aye' Alsup...'aye'. Jaffe...'aye'. McAuliff...'aye'

A. Telcser: "Representative Friedland for what purpose do you rise?"



Friedland: "Mr. Speaker and ladies and gentlemen of the House, I respectfully request to have House Bill 253, which was inadvertently advanced to the order of third reading, brought back to second reading for the purpose of an amendment."

A. Telcser: "Ok, the gentleman has a Bill 253 on the order of third reading and would like to have it brought back to the order of second, so that tomorrow it can be amended, is that right, Representative Friedland?"

Friedland: "That is correct."

A. Telcser: "Are there any objections? To hearing no, we'll return House Bill 253. Representative Shea, for what purpose do you rise?"

Shea : "Mr. Speaker, I know that you can get to third reading but I want to know how you can get from Bill 70 to Bill 253 without ah.. suspending the rules.? And I think it takes an affirmative vote of 107 members to do that."

A. Telcser: "Your point is well taken, sir. Now Representative Friedland do you wish to persist at this time and bringing your bill back and setting it up for second reading, or do you want to wait until we reach the order ah.. on third reading and then bring it back to second, and pass right out.?"

Friedland: "Mr. Speaker and ladies and gentlemen of the House, your pleasure, it is an agreed amendment which ah.. was promised in the Committee that it would be adopted to the bill, however the bill was merely inadvertently moved to third reading."

A. Telcser: Ah.. you can move to suspend the rules, if it's



agreed,.. I'm sure that... Representative Shea... what purpose do you rise?"

Shea: "Mr. Speaker, my understanding is that this bill should have been amended on second reading with an agreed amendment and they moved it to second to third, is that correct, John?"
Well, again,...I have no objection, but I think that it takes 107 votes for you to get out of order. This is one of the things that we we're gonna discuss at Rules Committee,...to give the Speaker some flexibility in calling that calender so we can move it, because under the present rule, I don't see how you can get there without leave of a 107 members.

A. Telcser: "I think your point is well taken. If the gentleman wishes to persists, we could go with that motion."

Friedland: "Mr. Speaker and ladies and gentlemen of the House, at this time I would move to suspend the rules. Hopefully to receive 107 votes for that purpose. Thank you."

A. Telcser: "Alright the gentleman from Knox, Representative McMaster."

McMaster: "Ah..Mr. Speaker, I really hate to interfere with a Mr. Friedland's motion, but I don't believe you announced the results of the roll call on my motion, which was made previous to this."

A. Telcser: "Your motion prevailed, sir."

McMaster: Thank you."

A. Telcser: "124 to nothing, I believe. Ok, Gentleman from Kane, Representative Friedland has moved that we call House Bill 253 in the order of third reading. This will take ah..."



107 affirmative votes. All those in favor signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative Berman."

Berman: "Will the sponsor yield to a question?"

A. Telcser: "He indicates he will."

Berman: "Ah, John, is there a reason why this shouldn't be done tomorrow when the Bill is called on Third Reading and then brought back?"

Friedland: "I've attempted to have the Bill called several days

and ah.... we never get to it, so I don't know..."

Berman: "Mr. Speaker, if I may address myself to the motion."

A. Telcser: "Proceed, Sir."

Berman: "Ah... I certainly have no objections to what he's requesting, but I think the form raises some very serious questions because we're starting a precedent - perhaps we're starting a precedent where, when we're on motions, Bills are going to be brought back and I think this causes a lax of... of continuous observants of where a Bill stands. I know if we're watching for Bills and it's on Third Reading; we know it's on Third, if there's going to be amendments, we're on Third Reading, we are going to bring them back to Second. This way, we are starting a situation, where on motions, and I believe that's the order of business we're on at the moment, we are going to be picking Bills out of order, bringing them back up and back in situations and I think that the proper procedure would be to have that done when we are on Third Reading and when the Bill can be



brought back. I haven't heard any reason why it couldn't be done at its proper order of business tomorrow, and I'd just like to be recorded as voting 'no'. I think we are running a bad precedent ah.... on the principle."

A. Telcser: "Your switch is open, Art. Gentleman from Cook, Representative Shea."

Shea: "I assume, Mr. Speaker, you did move back to the Order of Second Reading, because you can't touch that Bill unless you are on Third Reading."

A. Telcser: "That's right. We went back to Third. Have all voted who wished? Take the record. Martin 'aye'. This question, 128 'ayes', 2 'nays', and the gentleman's motion to place House Bill 253 back on the order of Second Reading prevails. Now, are there any further motions? Gentleman from Cook, Representative J. J. Wolf."

Wolf: "Mr. Speaker, point of personal privilege."

A. Telcser: "State your point, Sir."

J. J. Wolf: "There's a ah.... sheet on our desk. I assume all the Members have it. I don't know what's in it. It says 'sisterhood is powerful'. I thought we had a regulation that anytime we had this kind of stuff distributed on our desk, that the name of the distributor ought to be on it. And I don't know what it's about and I don't intend to read it until somebody has their name on it."

A. Telcser: "Your point is well taken, Sir. Lady from DuPage, Representative Dyer."



Dyer: "I would like to apologize to the Members of the House. I authorized the distribution of this material, and I'm sorry that in the photocopying, my signature was not on it. This was an oversight. I apologize, but I did authorize it and assume full responsibility and I hope you'll read it. It's good."

A. Telcser: "O'kay, any further motions? Gentleman from Cook, Representative Jaffe."

Jaffe: "Mr. Speaker, could you tell me what would be in order at the present time? We've debated House Bill 29. We put it on postponed consideration. I do think we have an agreement worked out with regard to an amendment. We would actually like to bring it back to Second Reading, so that we could put an amendment on it tomorrow or the next day."

A. Telcser: "Well, when it's on the Order of Postponed Consideration, Aaron, then it would be a proper motion to put to go out of order to bring it back to the Order of Second. I'm not on that order now and there's nothing in the Rules that I'm aware of that give you the opportunity to put a motion to require the Speaker to go to go to an order of business on which he is not. Is there? Wait a second, if you wish to put a motion, you might be able to force me over there if you want to. Representative Maragos, for what purpose do you rise?"

Maragos: "Point of parliamentary inquiry, Mr. Speaker."

A. Telcser: "State your point, Sir."



Maragos: "What order of business are we on now? We still on Third Readings?"

A. Telcser: "No, I'm just leaving motions. I want to go to announcements and then maybe we can adjourn. O'kay, are there any further motions? Gentleman from Cook, Representative Juckett."

Juckett: "Ah... Mr. Speaker, Ladies and Gentlemen of the House. I find myself in the same position as the Gentleman from Kane did. I have a Bill on Third Reading, which I had for several days requested to be held on Second, and inadvertently, it was moved to Third, where we had an agreed upon amendment that was suppose to go on. And I would move at this time that House Bill 232 be returned to to the Order of Second Reading."

A. Telcser: "O'kay, ah... Representative Juckett, this is the same situation and ruling which I just made with Representative Jaffe. We are not on Third Reading right now. Do you wish to suspend the Rule, and I'm trying to dig it out now, to force me to go back to Third and then you would put your motion to take your Bill out of order to go back to Third. Is that what you wish to do, Sir? That's Rule 10."

Juckett: "I understand Rule 10. I didn't realize we were off of Third Reading."

A. Telcser: "Yes, we're on the Order of Motions."

Juckett: "I would so request, Mr. Speaker."



A. Telcser: "O'kay, the gentleman has moved that provisions of Rule 10 ah... be suspended so that ah.... I will be forced back to the Order of Third Reading. Representative Shea, for what purpose do you rise, Sir?"

Shea: "Mr. Speaker, couldn't we hold these until tomorrow, when we get on the order of Third Reading and then let the members that have this problem take it back to Second Reading when we're on Third Reading. And at that time get up and request, rather than... you're forced to take a roll call at two points. You've got to get from Motions to Third and then from Third, you've got to suspend the Rules. You are forced to take two roll calls. I think it would be just much simpler tomorrow to get them back on the order of Third Reading."

A. Telcser: "Your point is well taken, Sir, if the gentleman wishes to persist, that is his right. Gentleman from Cook, Representative Juckett."

Juckett: "Well, Mr. Speaker, my understanding is that tomorrow was to be devoted primarily to Second Reading, and I don't know if we would get to Third Reading. I don't know if we would get to House Bill 232 on Third Reading, and ah.... that's why I made the request today."

A. Telcser: "O'kay, do you persist in your Motion, Sir, to suspend Rule 10?"

Juckett: "I would request it, Mr. Speaker, if we could."

A. Telcser: "O'kay, the gentleman has moved that ah... provisions of Rule 10 be suspended so that the Chair would go



to House Bills, Third Reading. This requires 89 votes. All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. Lauer 'aye'. On this question, there are 58 'ayes', 1 'nay', and the gentleman's motion fails. Are there further Motions? If not, Announcements. Oh, general resolutions. I'm sorry. O'okay, general resolutions.

Representative McLean, did you seek recognition now, Sir?"

McLean: "Yes, Mr. Speaker, on a point of personal privilege."

A. Telcser: "State your point, Sir."

McLean: "Ah.... Representative Mary Lou Kent and myself, both from Adams County, would like to introduce to the membership, students from Liberty High School, Liberty, Illinois, in Adams County. Mr. Dave Dinkheller, and students from Liberty High School."

A. Telcser: "General Resolutions."

F. Selcke: "House Resolution 141. Sharp et al. House Resolution 143. Kempiners et al. House Resolution 151. Skinner et al."

A. Telcser: "O'okay, announcements. Gentleman from Rock Island, Representative Jacobs."

Jacobs: "Point of privilege, Mr. Speaker. The lovely wife of Jack Beaupre and their two children, Nancy and Susan are in the gallery directly above the Speaker. I would like to introduce them."

A. Telcser: "O'okay, Announcements. Gentleman from Cook, Representative Epton."



Epton: "Mr. Speaker, Ladies and Gentlemen of the House. Apparently, Representative Choate was so happy with the dilatory work of the Insurance Committee, that he arranged to have two meetings printed in the House Calendar. I think I should correct you to indicate to the Members of the Insurance Committee, that despite the calendar announcement, we will meet on Wednesday as usual."

A. Telcser: "Gentleman from Cook, Representative Washington."

Washington: "Mr. Speaker, Members of the House. Briefly, may I call your attention to the gallery behind the Speaker - Mrs. Berneta Howell Beret, the new Director of the Governor's Office of Human Resources. Will you stand up, Mrs. Beret."

A. Telcser: "Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker and Members of the House. I would like to remind everybody that the seminar on Quality Health Care is this evening at the Museum Auditorium. We have a very interesting program and I realize that the Retail Merchants have an interesting program too that is in conflict. We couldn't avoid it. Whoever can attend, I would like for you to be there. It will be from 7:30 until 9:30. You'll be out on time and if you come in at anytime during the evening, you are welcome to be there. I think you will find the program very interesting. So please attend."

A. Telcser: "Are there further announcements? Gentleman from Cook, Representative Juckett."

Juckett: "Well, Mr. Speaker, it really is not an announcement. I think it would come under the heading of a point of



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personal privilege."

A. Telcser: "State your point, Sir."

Juckett: "Last week, during the hearing of the Executive Committee, one of the Members of the Committee, I think made some derogatory remarks about a witness, who also happened to be a fellow Representative, and that fellow Representative, Representative Borchers, excuse me for violating the rules and naming his name, had objected to the consideration of the Executive Committee on ERA, and he made his statements, and I think very pointedly, and he objected to the women being drafted, etc. for the gore and the death and the misery it would cause. And one of the members of that committee, not only inferred, but directly questioned as to whether Representative Borchers would counsel his granddaughters to evade the draft if the ERA went through. That might be a valid question, if it was so asked in the question standpoint. I think it was a rhetorical question and the Chairman of the Committee refused and gaveled down Representative Borchers when he tried to answer that kind of a question. I think the question itself was impertinent and very much in bad taste. And I think the Chairman of the Committee was completely out of Order in gaveling down the Representative when he tried to asked... answer that kind of a question. I have not discussed this as to whether he was going to reply, but I, as a member of the Health Representative, was deeply embarrassed by both the questions and if the question had



been allowed to be answered, then maybe not by the question, but by the fact that a Representative of this House was not, when he was directly attacked, on a matter of draft evasion, etc., was not allowed to answer, and I do at this time, Mr. Speaker, respectfully put this into the Journal for the purpose of privilege, and I hope that Mr. Borchers is not embarrassed by my position, but I was embarrassed by the Action of the Committee at that time."

A. Telcser: "Gentleman from Cook, Representative William Walsh."

William Walsh: "Well, Mr. Speaker, Ladies and Gentlemen of the House. I have no idea what the gentleman was talking about, but if that was in bad taste with the questioner, and the Chairman did, I suggest that the gentleman's remarks are in equally bad taste for making them while the Chairman is not on the floor."

A. Telcser: "Representative Matijevich, for what purpose do you rise, Sir."

Matijevich: "Mr. Speaker, Members of the House. I also agree with the Majority Leader. I think the remarks of the Representative were impertinent. Both sides of this issue at the end of the long hours that we had, as you all know, we were here all day. We didn't conclude until almost 9:00 O'Clock. And both sides of that issue after the conclusion of the ERA issue, complimented the Chairman on the handling of the Committee. So I want all the members to know that the Chairman did run a very good, fair meeting and both sides complimented him on the issue."



A. Telcser: "Are there further announcements? Representative Borchers, what purpose do you rise, Sir."

Borchers: "Mr. Chairman, just to thank Representative Juckett who I was not given a chance to answer. If I may, I might say that I never would counsel any of my grandsons or granddaughters, ever to evade the draft. I want to make that point clear."

A. Telcser: "O'kay, are there further announcements? Death Resolutions."

F. Selcke: "House Resolution 145. Blair et al. 'Whereas this Body is saddened to learn of the recent passing of our former Member of the House of Representative and a good friend, William H. Robinson; and whereas Mr. Robinson served the State for ten years as Legislator, leading efforts to bring about needed reforms and social legislation, including two years as Chairman of the House Committee on Public Aid, Health and Welfare, and whereas following his service as a Representative, he served three years as the Cook County Director of Public Aid, four years as Director of the Illinois Department of Registration and Education, and whereas Mr. Robinson held a variety of public service positions, including parole officer for the Illinois Department of Public Safety, he served as Youth Services Director for the Church Federation of Greater Chicago, Field Work Instructor for the School of Social Service Administration of the University of Chicago, and was instrumental in the creation of the State narcotics control



Commission; and whereas he was recognized as an outstanding worker for social improvement to the distinguished service award of the Illinois Welfare Association, Chicago Urban League, Frontiers International, Chicago Chapter; and whereas Mr. Robinson received a Bachelors Degree from the Virginia University and a Master Degrees from the University of Chicago, and he worked to help others to better their lives to increase opportunites for all the people of Illinois; and whereas he was taken from among us, on March 23, 1973, while in service to his fellow man, as a consultant to the Social Welfare Services Department, Salvation Army; and whereas William H. Robinson, will be sorely missed by the People of Illinois, to whom he gave so much of himself, and most of all by his loving wife Kitty; Therefore be it resolved by the House of the 78th General Assembly of the State of Illinois, that we recognize the contributions of William H. Robinson to the State of Illinois and that our State will be the less for the passing of this distinguished citizen, that we extend our condolences to his widow and to his many friends; and be it further resolved that a suitable copy of this Preamble and this Resolution be forwarded to his wife, Professor Kitty Robinson."

A. Telcser: "Gentleman from Cook, Representative William Walsh."

William Walsh: "Mr. Speaker, it is our intention to adjourn out of respect for the Memory of our dear friend, Bill



Robinson, and we will adjourn until 9:30 tomorrow, perfunctory session, and 10:00 in regular session. And let me say that I served with Bill Robinson for two terms and he was indeed a credit to this Body, and I observed his conduct while he was Director of the Office of Registration and Education, where he was also a credit to the administration he served under, and a great help to the Members of the General Assembly. We will all deeply miss a good friend, Bill, and I would asked, Mr. Speaker, if leave be given that every Member of this House may be a Sponsor of this Resolution."

A. Telcser: "There are no objections. All of the Members of the House will be put on as co-sponsors."

William Walsh: "Now, Mr. Speaker, out of respect for the memory of our departed colleague, Bill Robinson, I move that we adjourn."

A. Telcser: "Gentleman has offered to move that the House Resolution be adopted. The House do stand adjourned until the hour of 9:30 perfuncted, 10:00 O'Clock Regular Session. All in favor, signify by saying 'aye'."

Members: "Aye".

A. Telcser: "The opposed 'no'. The Resolution is adopted and the House stands adjourned until tomorrow morning at 9:30 perfuncted, 10:00 O'Clock Regular Session."

