

78th GENERAL ASSEMBLY

MAY 21, 1974

REGULAR SESSION

1. SERGEANT AT ARMS:

2. All persons not entitled to the Floor, please retire to the  
3. Gallery. All persons not entitled to the Floor, please retire  
4. to the Gallery.

5. PRESIDENT:

6. Pursuant to the Adjournment Motion, the Senate will come to  
7. order. The prayer will be offered by the Reverend Harry Eberts  
8. of Northminster Presbyterian Church of Evanston. Will our guests  
9. in the Gallery please rise. Reverend Eberts.

10. REVEREND EBERTS:

11. I would ask all of you to join me in prayer.

12. (Prayer by Reverend Eberts.)

13. PRESIDENT:

14. Reading of the Journal. Senator Soper.

15. SENATOR SOPER:

16. Mr. President, I now move that we postpone the reading and the ap-  
17. proval of the Journals of May 14, May 15, and May 20...pending the  
18. arrival of the printed Journals.

19. PRESIDENT:

20. Senator Soper moves that we postpone reading and approval of the  
21. Journals of May 14, 15, and 20, pending the arrival of the printed  
22. Journals. All in favor signify by saying Aye. Contrary No. The  
23. motion carries. So ordered. Senator Soper.

24. SENATOR SOPER:

25. Now, Mr. President, I would like to ask leave of the Senate  
26. to be shown as a co-sponsor of Senate Bills 1247, 1248, and 1464.  
27. I've got the permission of the chief sponsors.

28. PRESIDENT:

29. Is there leave? Leave is granted. So ordered. Committee  
30. Reports.

31. SECRETARY:

32. Senator Graham, Chairman on Assignment of Bills, reports the  
33. following assignments.

1. To the Committee on Agriculture, Conservation and Ecology
2. - Senate Bill 1443.
3. To the Committee on Appropriations - Senate Bill 1478.
4. To the Committee on Executive - Senate Bill 1427,
5. 1459, 1460, 1461, 1542, and 1545.
6. Committee on Public Health, Welfare, and Cor-
7. rections - Senate Bill 1500.
8. Committee on Revenue - Senate Bills
9. 1440, 1441, 1462, and 1541.
10. Senator McBroom, Chairman of the Committee on Appropria-
11. tions, reports Senate Bill 1398, 1469, and 1485, with the
12. recommendations the bills Do Pass.
13. Senate Bills 1262, 1273, 1283, 1323, and 1351, with the
14. recommendation the bills Do Pass, as amended.
15. Senator Conolly, the Chairman of the Committee on Trans-
16. portation and Public Utilities, reports Senate Bills 1452,
17. 1454, 1487, 1492, 1493, and 1494, with the recommendation the
18. bills Do Pass.
19. Senate Bill 1225, 1233, 1242, 1243, and 1495 with the
20. recommendation the bills Do Pass, as amended.
21. Senate Bills 1230, 1294, 1453, and 1498, with the recom-
22. mendation the bills Do Not Pass.
23. Senator Walker, Chairman of the Committee on License
24. Activity and Credit Regulations, reports Senate Bills 1502
25. through 1531, with the recommendation the bills Do Pass.
26. PRESIDENT:
27. Senator Graham.
28. SENATOR GRAHAM:
29. Mr. President, one...we have one bill...Appropriations or
30. otherwise? Then I move you...the bill on the Secretary's desk
31. be given a number and referred to the Committee on Rules.
32. PRESIDENT:
33. Senator Graham moves that the bill on the Secretary's

1. desk be assigned a number and referred to the Committee on Rules.  
2. All in favor signify by saying Aye. Contrary No. The motion  
3. carries.

4. SECRETARY:

5. ...1558 by Senators Dougherty, Graham, Don Moore, and Palmer.

6. PRESIDENT:

7. Messages from the House.

8. SECRETARY:

9. (Secretary reads Message from the House, asking  
10. Senate concurrence to House Joint Resolution 102.)

11. PRESIDENT:

12. Senator Graham.

13. SENATOR GRAHAM:

14. Mr. President, I know we have quite a crowd today. It is  
15. absolutely impossible to hear what's going on and some of our  
16. members are contributing to the furor, I wish we could have  
17. some order.

18. PRESIDENT:

19. Senator Graham's point is well taken. We, of course, were  
20. late getting started, and for that I apologize to the member-  
ship. We've had a good many issues trying to be resolved today.  
It would be more orderly and certainly contribute to our produc-  
tivity if we could maintain more order. The message from the  
House is...that resolution is referred to Executive. Yes, I  
want to announce to the Membership that a crew from both WGN and  
WCIA will for a few minutes now be taking some still pictures.  
I want the Membership to be aware of that permission that has just  
been granted to crews from WGN and WCIA. Resolutions.

SECRETARY:

Senate Resolution No. 453 by Senator Davidson and it's  
Congratulatory in nature.

PRESIDENT:

Senator Davidson.

1. SENATOR DAVIDSON:

2. Mr. President and Members of the Senate, this is a Con-  
3. gratulation to the Copper Coin Ballet Company, and I would  
4. invite all Senators to be joint sponsors and ask for suspen-  
5. sion of the rules for immediate consideration.

6. PRESIDENT:

7. Is there leave for all Senators to join as co-sponsors.  
8. Leave is granted. Senator Davidson moves to suspend for the  
9. immediate consideration of the adoption of the Resolution.  
10. All in favor signify by saying Aye. Contrary No. The motion  
11. carries. On the motion to adopt, all in favor signify by  
12. saying Aye. Contrary No. The motion carries and the Reso-  
13. lution is adopted. Resolutions.

14. SECRETARY:

15. Senate Joint Resolution No. 68 by Senators Saperstein,  
16. Glass, Partee, Rock, Netsch, Conolly, and Hickey.

17. PRESIDENT:

18. Senator Saperstein.

19. SENATOR SAPERSTEIN:

20. No I didn't. You can go on. It isn't too late. Mr.  
21. President, Ladies and Gentlemen of the Senate, and again I  
22. will say that it is a pleasure to say Ladies, and we welcome  
23. Mrs. Hickey and mourn the late Betty Keegan. I can't help but  
24. remember Betty as I make...attempt to make this motion. Mr.  
25. President, Ladies and Gentlemen, again, pursuant to Rule 37  
26. of the Rules of the Senate of the 78th General Assembly, I move  
27. that Rule 6 be suspended in reference to Senate Joint Resolution,  
28. did you say, what number? ...68...68. And that Senate Joint  
29. Resolution 68 be placed on the Calendar of the Senate of the  
30. 78th General Assembly.

31. PRESIDENT:

32. Senator Saperstein. I try diligently not to use the  
33. Podium and the Chair for any influence on the judgment and the

1. decisions of the Senate itself. I do wish to respond as a member at  
2. this point and join you without leaving the Podium, I have determined  
3. that on this issue I should remain here at the Podium today, but I  
4. want to support you in your motion to suspend the rules for the im-  
5. mediate consideration of this important issue. And so, I would hope  
6. that the members from my side of the aisle, on the question of sus-  
7. pending the rules for the immediate consideration of the Resolution,  
8. would join. The motion to suspend is not debatable. The motion Senator  
9. Saperstein has moved to suspend the rules for the immediate considera-  
10. tion of Senate Joint Resolution 68. On that question all in favor  
11. signify by saying Aye. Contrary No. The question is...Senator Saperstein.

12. SENATOR SAPERSTEIN:

13. Yes Sir.

14. PRESIDENT:

15. I wish to direct this question to you. I notice that you were  
16. reading from a prepared motion. To place the Resolution on the Calendar  
17. it is my understanding in discussions that have taken place this morning  
18. that you are ready to proceed with immediate consideration of the Senate  
19. Joint Resolution. Is that not the case?

20. SENATOR SAPERSTEIN:

21. That is correct.

22. PRESIDENT:

23. Then would you restate your motion so that we are perfectly clear  
24. and that the record will show that pursuant to Rule 37 of the Rules  
25. of the Senate of the 78th General Assembly, that you move that Rule 6  
26. be suspended for the immediate consideration of Senate Joint Resolution  
27. 68. Is that not the motion you wish put? Thank you. The request for  
28. a roll call has been made. The question is...for what purpose does  
29. Senator Graham arise?

30. SENATOR GRAHAM:

31. Mr. President, in answer to your question you propounded to the  
32. Senator from Chicago, she answered affirmatively by a nod of the head.  
33. I would like to have her on the tape as being reported as Yes to your  
34. answer, instead of a nod of the head.

35. PRESIDENT:

1. Senator Saperstein.

2. SENATOR SAPERSTEIN:

3. Yes.

4. PRESIDENT:

5. It is perfectly clear that Senator Saperstein has responded  
6. affirmatively. The question is shall the rules be suspended  
7. for the immediate consideration of Senate Joint Resolution 68.  
8. Those in favor will vote Aye. Those opposed will vote No.  
9. Senator Newhouse.

10. SENATOR NEWHOUSE:

11. Mr. Chairman, a parliamentary inquiry. What will happen  
12. in the event that this motion loses? What will happen in the  
13. event that the motion wins?

14. PRESIDENT:

15. If the motion to suspend carries, we will proceed to an  
16. immediate consideration of the adoption of the Resolution. If  
17. the motion to suspend fails, the Resolution will be referred to  
18. the Committee on Executive. Senator Newhouse.

19. SENATOR NEWHOUSE:

20. At what point, Mr. Chairman, Mr. President, will the Floor  
21. be open for either debate or explanation of votes?

22. PRESIDENT:

23. Upon a determination of the motion that is before us now,  
24. if it carries, we will proceed immediately to a consideration  
25. of the ratification of the Resolution, and I will recognize the  
26. members of the Senate as they seek recognition in the order  
27. that they indicate their interest in being heard on debate on that  
28. question. Does that answer the...Senator Newhouse.

29. SENATOR NEWHOUSE:

30. There may be some in this Chamber, Mr. President, who share  
31. my view, that they would like to made known to the world what it is  
32. they're voting on and why, whether or not this motion comes, whether  
33. or not this motion wins or loses. Now...

PRESIDENT:

Will you...

1. SENATOR NEWHOUSE:

2. ...would there be opportunity for that?

3. PRESIDENT:

4. Oh, by all means. I tried to indicate that. Are you in-  
5. quiring as to whether there will be an opportunity to be heard  
6. on the question? Senator Newhouse.

7. SENATOR NEWHOUSE:

8. Not on the question, Mr. Chairman, on the motion that's on  
9. the Floor now.

10. PRESIDENT:

11. Well, this motion is not debatable, Senator Newhouse.

12. SENATOR NEWHOUSE:

13. It is not debatable.

14. PRESIDENT:

15. The motion to suspend is not debatable.

16. SENATOR NEWHOUSE:

17. Is there an opportunity for vote explanation?

18. PRESIDENT:

19. Our rules do not provide for it. Senator Nudelman, for what  
20. purpose do you arise?

21. SENATOR NUDELMAN:

22. Parliamentary inquiry, Mr. President. Mr. President, does  
23. this motion take a majority or 30 or what number...

24. PRESIDENT:

25. This motion requires 30 votes. The question before the  
26. Senate is... For what purpose does Senator Knuepfer arise?

27. SENATOR KNUEPFER:

28. On a...on a point of personal privilege only. I was one  
29. of those few who objected last year when we adopted this rule,  
30. and that rule was that you could not speak on roll call. I  
31. think that is still an unfortunate rule. I think there are  
32. situations in which you preclude...are precluded from speaking  
33. at all if you cannot speak on roll call. Obviously we are in  
that kind of situation right now. Should this motion...procedural

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1. motion fail and is not debatable, then there is no place to get  
2. into the act at all and that's Senator Newhouse's dilemma, and  
3. with that I quit.

4. PRESIDENT:

5. The question before the Senate is shall the rules be  
6. suspended for the immediate consideration of Senate Joint  
7. Resolution 68. Those in favor vote Aye. Those opposed vote  
8. No. The voting is open. Have all voted who wish? Take the  
9. record. On that question the Yeas are 39, the Nays are 17, one  
10. voting Present. The motion to suspend for the immediate considera-  
11. tion prevails. Senator Saperstein. The Chair wishes to inform  
12. our guests that expression of approbation or disapproval is not  
13. permitted. You are our guests, we are delighted to have you  
14. here in witnessing the consideration of this significant issue,  
15. but I must inform, and will be compelled to admonish that ex-  
16. pressions of approbation or disapproval are not permitted. For  
17. what purpose does Senator Netsch arise?

18. SENATOR NETSCH:

19. Mr. President, I have an inquiry on that last vote. Would  
20. you repeat once more the motion on which we voted. The suspen-  
21. sion motion. As it was recorded.

22. PRESIDENT:

23. The motion was, as put by Senator Saperstein, that the  
24. rules be suspended for the purpose of the immediate consideration  
25. of Senate Joint Resolution 68. And that motion carried. The  
26. question before us is the consideration of the adoption of  
27. Senate Joint Resolution 68. Senator Berning seeks recognition  
28. for what purpose? Senator Berning.

29. SENATOR BERNING:

30. Thank you, Mr. President. I seek recognition on a point of  
31. personal privilege. I want to present to this Body an outstand-  
32. ing group of young people from my Village, members of the Holy  
33. Cross Parochial School in Deerfield. They've been very patiently



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1. waiting to see this Body in action and now they must shortly  
2. leave the Chambers so that others may come in. I'd like to  
3. have the Senate recognize these outstanding young people, the  
4. Eighth Grade from Holy Cross Church and their advisor.

5. PRESIDENT:

6. Senator Latherow, for what purpose do you arise?

7. SENATOR LATHEROW:

8. Point of personal privilege for the purpose of introduction,  
9. Mr. President:

10. PRESIDENT:

11. Proceed.

12. SENATOR LATHEROW:

13. Sitting in the Gallery today are a group from the 47th  
14. District. Here, I think, possibly wearing some large tags, if  
15. I can read correctly in the balcony, and I wish they would  
16. rise and be recognized by the Senate.

17. PRESIDENT:

18. Senator Davidson.

19. SENATOR DAVIDSON:

20. Mr. President, a point of personal privilege. I'd like to present  
21. to the Senate, Professor Jackie Jackson and her class from Sangamon  
22. State who are enrolled in studying Government in Action and they're  
23. here today in their second day of the new summer course to see  
24. history and statutes being made. Would you please rise in the  
25. President's Gallery?

26. PRESIDENT:

27. Senate Joint Resolution 68. For what purpose does Senator  
28. Nimrod arise?

29. SENATOR NIMROD:

30. MR. President, I would also rise in point of personal privi-  
31. lege to introduce the wife of our Senate Chaplain for today and  
32. also to recognize them - Dr. and Mrs. Harry Eberts, would you  
33. please stand, from Northminster Presbyterian Church.

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1. PRESIDENT:

2. For what purpose does Senator Graham arise?

3. SENATOR GRAHAM:

4. I arise to amend the introduction by the Senator from  
5. Carthage who introduced his group. He didn't mention in  
6. there that my dear friend, Donna Burrough from Palatine,  
7. daughter of our friend, Bob, is with that group up there too,  
8. and we're glad to have you. Somewhere, Donna's here.

9. PRESIDENT:

10. For what purpose does Senator McCarthy arise?

11. SENATOR MCCARTHY:

12. On a point of personal privilege, Mr. President.

13. PRESIDENT:

14. Proceed.

15. SENATOR MCCARTHY:

16. It's my pleasure to introduce to the Senate a group of ladies  
17. from the 51st District who are here observing us in action today.  
18. Ladies, I wonder if you would rise and be acknowledged by the  
19. Senate?

20. PRESIDENT:

21. For what purpose does Senator Netsch arise.

22. SENATOR NETSCH:

23. A parliamentary inquiry when we return to the order of business.

24. PRESIDENT:

25. We are...

26. SENATOR NETSCH:

27. Are you prepared?

28. PRESIDENT:

29. State your point.

30. SENATOR NETSCH:

31. I would like to know how many votes the motion requires in  
32. order to be passed.

33. PRESIDENT:

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1. The Chair rules that a three-fifths vote of the Senators elected  
2. is required to adopt Senate Joint Resolution 68. That vote is re-  
3. quired by Article 14, Section 4, of the 1970 Illinois Constitu-  
4. tion. That section states, in part, the affirmative vote of three-  
5. fifths of the members elected to each House of the General Assembly  
6. shall be required to request Congress to call a Federal Consti-  
7. tutional Convention, and the next clause is the significant  
8. clause, to ratify a proposed amendment to the Constitution of  
9. the United States, and that's the governing language under my  
10. rule, or to call a State Convention to ratify a proposed amend-  
11. ment to the Constitution of the United States. The Chair rules  
12. that the language of the Illinois Constitution is as plain as  
13. the back of your hand, and that a three-fifths vote is required.  
14. Senator Netsch.

15. SENATOR NETSCH:

16. Mr. President, may I speak to that point?

17. PRESIDENT:

18. You may respond, Senator Netsch. Proceed.

19. SENATOR NETSCH:

20. Thank you, Mr. President. I am perfectly aware that the  
21. provision of the Illinois Constitution does seem to require, does  
22. require, in fact, a three-fifths vote of this Body and of the House in  
23. order to ratify a proposed amendment to the United States Con-  
24. stitution. I am also aware, as is most of this Body, that the  
25. Attorney General of this State has prepared and promulgated  
26. opinions which indicate that that provision is in violation of  
27. the Federal Constitution that when this Body is in the process  
28. of ratifying an amendment to the United States Constitution, it  
29. is not engaged in the typical Legislative act, but is carrying  
30. out its mandate under the Federal Constitution that there is no  
31. authority or recognition in the Federal Constitution for requiring  
32. an extraordinary majority for ratification of such an amend-  
33. ment and, if I may read the sentence from the Attorney General's

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1. opinion of May 11, 1972, this principle, quoting a principle  
2. which he had just described from several previous opinions of  
3. the United States Supreme Court, and the principles of law  
4. enunciated in Hawk V. Smith, necessitate the further conclusion  
5. that the requirement of a three-fifths vote of each House of the  
6. General Assembly to ratify is also contrary to the Federal Consti-  
7. tution. Thus spaketh the Attorney General of the State of Illinois.  
8. Despite having served as a member of that Constitutional Conven-  
9. tion, it is my legal judgment that the Attorney General is cor-  
10. rect. That this provision does violate the Federal Constitution  
11. and I would add one further thing, Mr. President, that is that  
12. when this Body, the Senate, adopted its rules in January or  
13. March of 1973, it acted in accordance with the Attorney General's  
14. opinion and if you will look at Rule 6 of the Rules of the Senate,  
15. the last paragraph, it provides for a majority vote to ratify an  
16. amendment to the Federal Constitution. I would, therefore, urge  
17. that your ruling is in error and, if necessary, I would appeal  
18. the ruling of the Chair.

19. PRESIDENT:

20. The position of the Chair is that until the Courts rule on  
21. the question of the requirement of the Illinois Constitution to  
22. require a three-fifths vote, that the language of the Illinois Consti-  
23. tution, which is perfectly clear, obtains and prevails. If you  
24. wish to appeal the ruling of the Chair, that is your right. For  
25. what purpose does Senator Partee arise?

26. SENATOR PARTEE:

27. I arise, Mr. President, to join Senator Netsch in appealing  
28. the ruling of the Chair. I can understand that the President  
29. feels that the Constitution is as clear as the back of your  
30. hand, but there is something that has to be taken into consider-  
31. ation and that is the opinion of the Attorney General,  
32. who does not have the same vision as does the President  
33. on that question. It is a fact that the matter is now being

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1. litigated and is in the Supreme Court. I, for one, prefer to be-  
2. lieve that Attorney General, with his staff and with his wisdom,  
3. is a person to not be ignored and a person to be recognized. I  
4. share his opinion that it does not require a two-thirds vote, and  
5. I hesitate to do this, Mr. President, but I think our record must  
6. be clear and I join Senator Netsch in the ruling...on appealing the  
7. ruling of the Chair.

8. PRESIDENT:

9. Senator Mitchler.

10. SENATOR MITCHLER:

11. Mr. President, may I ask you a question? Is the, and it  
12. pertains to this, what we were talking about is an Attorney  
13. General's opinion. Has the Courts declared that portion of the  
14. Illinois Constitution of 1970 unconstitutional?

15. PRESIDENT:

16. The court has not ruled on the question. It is presently  
17. in the Federal Court, I believe Northern District of Illinois,  
18. before a 3-judge Federal panel and that panel has not determined  
19. their ruling. It is being litigated, but in direct answer to  
20. your question, has it been ruled on. The answer is No.

21. SENATOR MITCHLER:

22. Well, then, Mr. President, each member of this Body upon  
23. taking Oath of Office, pledged to uphold and defend the Consti-  
24. tution of the State of Illinois and if this is, in fact, in the  
25. Constitution of the State of Illinois, we cannot take anyone's  
26. opinion, whether it be the Attorney General, of the State of Illi-  
27. nois or anyone. Now, if at a later date, the courts would rule this  
28. in conflict with the United States Constitution, then, and only then,  
29. would we be in order in recognizing such court action. But if,  
30. in fact, the Illinois Constitution so states, and there's no other  
31. rulings by courts, not opinions, then we must uphold and defend  
32. the Constitution. The Constitution is the law.

33. PRESIDENT:

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1. Senator Nudelman.

2. SENATOR NUDELMAN:

3. Mr. President, I would inquire of Senator Netsch if she  
4. would submit to a question or two.

5. PRESIDENT:

6. She indicates that she will yield. Proceed.

7. SENATOR NUDELMAN:

8. Senator Netsch, what would happen if this Body decided that  
9. it was not necessary that we have 36 votes and we proceeded to  
10. pass this thing with something under that figure, and then the  
11. court case, which is presently being litigated decided that our  
12. Constitution, in fact, was correct and that the three-fifths ma-  
13. jority was necessary. Would it not then occur that we had created  
14. a...we had committed a nullity and that our action would have been  
15. ...be of no force in effect?

16. PRESIDENT:

17. Senator Netsch.

18. SENATOR NETSCH:

19. If questioned, I assume that the act of ratification would  
20. not be valid, that is correct.

21. PRESIDENT:

22. Senator Nudelman.

23. SENATOR NUDELMAN:

24. I would then suggest, Mr. President, that we wait the  
25. pleasure of the Federal Court and find out what they decide.  
26. I don't see the immediate rush involved in this matter.

27. PRESIDENT:

28. Senator Graham.

29. SENATOR GRAHAM:

30. Mr. President and members of the Senate. We're seeing here  
31. today the political abilities of people to change allies. We're  
32. seeing here the abilities of attorneys to interpret the law in  
33. any manner they see fit. We're seeing here attorneys that are

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1. supporting an opinion by Attorney General Bill Scott. These  
2. same people have bitterly opposed his opinions in the past and  
3. said he is not the Court of the Land, which in fact, he is not.  
4. I think it's a strange thing that various issues make var...make  
5. strange bed-fellows and I find, today, that Bill Scott will be  
6. pleased, perhaps, to see his newfound friends.

7. PRESIDENT:

8. Senator Buzbee.

9. SENATOR BUZBEE:

10. Thank you, Mr. President. I would like to question Senator  
11. Netsch along the same lines that Senator Nudelman did. Senator  
12. Netsch, if the President's ruling is upheld requiring a three-fifths  
13. vote and then if the Federal Court rules that the Illinois Constitu-  
14. tion is, in fact, in conflict with the Federal Constitution, and  
15. that, in fact, that it should have taken just a simple majority,  
16. what would be the effect, at that point, assuming let's say we  
17. had 31 votes on this Resolution. Would the Resolution then, in  
18. fact, have been declared passed?

19. PRESIDENT:

20. Senator Netsch.

21. SENATOR NETSCH:

22. I am not sure we really know the answer to that question,  
23. Senator Buzbee. The House is in that very circumstance at the  
24. moment. The Equal Rights Amendment passed last year by a major-  
25. ity, but not a three-fifths vote, and that is what is indeed in the  
26. courts at the present time. If the court rules as I expect it to,  
27. and as this Body expected it to when adopting Rule 6 saying that  
28. it took only a majority vote to ratify an amendment to the Fed-  
29. eral Constitution, if the court rules that way then it will have  
30. to go on and face up to the legal status of the House vote at  
31. that time. And that could depend in part on the timing. If it  
32. takes place during the year while we are still the 78th General As-  
33. sembly and in session the court could rule...could simply declare that the

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1. effect was that it had passed. But, for...it's impossible to be  
2. any more definitive than that. It is my belief that if that court  
3. ruling comes at a time when we are still a...in session, that  
4. the effect will be a declaration that the Equal Rights Amend-  
5. ment ratification passed the House and the same would be true  
6. here. But that is only my belief at the present time. My  
7. legal judgment.

8. PRESIDENT:

9. Senator Buzbee.

10. SENATOR BUZBEE:

11. Think this...in other words, Senator Netsch, if, regard-  
12. less of what the President's ruling is, and regardless of  
13. whether we sustain his ruling, or overrule his ruling, if we  
14. have something between 30 and 36 votes, in this Body, we have  
15. not taken any definitive action today then? Is that correct?

16. PRESIDENT:

17. Senator Netsch.

18. SENATOR NETSCH:

19. It is probably correct that we have not taken a definitive  
20. action in the sense that the lawsuit is still pending and it  
21. could change the impact.

22. PRESIDENT:

23. Senator Glass.

24. SENATOR GLASS:

25. Thank you, Mr. President. I find myself in agreement with  
26. Senator Netsch's last comment regarding what...what vote it takes  
27. in the effect of the court decision. It seems to me if the  
28. court rules that only 30 votes are required for passage of this  
29. amendment and, let me say parenthetically that Representative  
30. Dyer advises me that the 16th Amendment to the U. S. Constitu-  
31. tion was ratified by Illinois with 30 votes. If the court  
32. rules that it takes 30 votes, it seems to me if 30 people vote  
33. in favor of the Equal Rights Amendment today, the Senate will



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1. be ruled to have passed it. By the same token, if we overrule  
2. the President and later the court upholds his ruling, our action  
3. today would be a nullity. I think it's enough of a legal  
4. enigma at this point that we ought to leave it in the hands  
5. of the court, and I, personally, am strongly in favor of the  
6. ERA, but don't feel that we ought to use the vehicle of over-  
7. ruling the Chair to reach that result, that is passage of the  
8. ERA. It seems to me that we should sustain the Chair and vote  
9. on the issue, up or down, and that the court, at a subsequent  
10. date, will rule on the number of votes required and our action  
11. will be judged at that time.

12. PRESIDENT:

13. For what purpose does Senator Partee arise?

14. SENATOR PARTEE:

15. Mr. President and members of the Senate, I certainly believe  
16. that inflexibility is a mark of non-intelligence and I am absolutely  
17. persuaded by the logic of Senator Glass' last remark. It occurs  
18. to me that if we overrule the Chair the issue could be beclouded  
19. to an extent that it might have some effect futuristically on  
20. what the court does or does not do. I think that the court can  
21. be informed, we are now on recorded messages, what we say here  
22. is recorded. I think we can say, very strongly, very firmly, that  
23. we disagree with the ruling of the Chair, in terms of this  
24. needing 36 rather than 30 votes. I think the record can be ab-  
25. solutely clear that the ruling of the Chair had not the approbation  
26. of the entire membership. On that basis, the court when reading  
27. this record can know that although the Chair was not overruled, and  
28. I am not without the ability to count votes, that although the Chair  
29. was not overruled, there was a strong dissent on the ruling of the  
30. Chair. I think that speaks to the Record. I think that clarifies  
31. the issue for the court so that when the court considers the mat-  
32. ter they will understand that a large majority of the persons in  
33. this Body had the feeling, based on history of the 16th amendment

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1. and other amendments, that the requirement for 36 votes was not  
2. required and that the 30 votes is all that is required and I  
3. think the record will be clear on that posture without our going  
4. to the roll call of overruling the ruling of the Chair. And I  
5. would ask, on that basis, that Senator Netsch, who I joined in the  
6. motion to overrule the Chair, would withdraw the motion. She has  
7. indicated to me that she will.

8. PRESIDENT:

9. Before I recognize Senator Saperstein, The Chair wishes to  
10. make some response to the discussion on the question raised by  
11. Senator Netsch. I know that you have all heard from me on many  
12. occasions that 30 votes should direct the activities of the  
13. Senate, and I believe that principle with all my heart. I am  
14. aware that the question relating to that section of the Illinois  
15. Constitution, requiring a three-fifths vote, Article 14, Section  
16. 4, is being litigated. This issue, Senate Joint Resolution 68,  
17. has been before us for some time. I am glad that we are getting  
18. to a consideration of the question today. It occurs to me,  
19. without attempting to influence the court in any way, and the  
20. point raised by Senator Nudelman and by Senator Buzbee are quite  
21. germane. That if when we get to a roll call on ratification, if  
22. there are 36 votes or more, we need not be concerned at all about  
23. the effect of the opinion of the court. We will have spoken  
24. decisively. If the court does sustain the Illinois Constitutional  
25. language now, fine, no problem. If the court strikes down the  
26. Illinois Constitution language and there will have been less  
27. than 36 votes cast on the roll call for adoption of Senate Joint  
28. Resolution 68, that we then at the conclusion of that action today  
29. by Senator Saperstein file notice to reconsider the vote by which  
30. the rejection of Senate Joint Resolution 68 be reconsidered at a  
31. date two weeks hence and on that date, if the court has not yet  
32. ruled, let that motion be repute again. That to maintain before  
33. us the opportunity to reconsider this question after the debate

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1. today at a date subsequent, anticipating eventual rule by the  
2. court on the question and that we would be in a healthier po-  
3. sition to repeat the roll call that may not have received 36  
4. votes, but if it receives more than 30 that we maintain that  
5. as an option. It seems to me that this procedure would not be  
6. offensive to the court and that it would provide the opportunity  
7. for us to ratify a vote through that procedure. It would serve,  
8. I believe, an intelligent, reasonable and legal purpose. I do  
9. appreciate the remarks of the Minority Leader and I do believe  
10. that the question of what requires in this question is clear.  
11. It is understood. I don't think any of us want to influence  
12. in an improper way the court, but in the meantime the court  
13. will have had an expression of the numerical will of this body  
14. on the question that is before them. Senator Netsch.

15. SENATOR NETSCH:

16. Mr. President, thank you. On the basis of those representa-  
17. tions and because I do not want to further delay or obstruct a  
18. vote on the merits of the Equal Rights Amendment, I will withdraw  
19. my motion.

20. PRESIDENT:

21. Senator Netsch has withdrawn her motion to appeal the ruling  
22. of the Chair. That is acknowledged. The resolution is before  
23. the Senate and Senator Saperstein is recognized.

24. SENATOR SAPERSTEIN:

25. Mr. President....

26. PRESIDENT:

27. For what purpose does Senator Clarke arise?

28. SENATOR CLARKE:

29. Mr. President, before we get into that, I'd just like you to  
30. clarify what you just said, this every 2 week business. I'm not  
31. quite sure I understood that.

32. PRESIDENT:

33. Under the rules a motion that has failed, a member can file

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1. notice to reconsider. It would be my suggestion, I am not stat-  
2. ing precisely when, but just as a matter of example, if this  
3. Resolution does not receive 36 votes, I will declare it to have  
4. failed, and a member then can file notice to reconsider at some  
5. time in the future. In the meantime the court will have had  
6. additional time to make its ruling. It seems to me that we  
7. ought to preserve that option and if the court strikes down the  
8. Illinois language and the roll call today provides more than  
9. 30 votes, but less than 36, that insofar as the question of  
10. valid ratification by a majority vote can then be had under our  
11. rules without question, and it seems to me that the response to  
12. the question by Senator Buzbee to let it be litigated whether,  
13. in fact, there was a valid vote of ratification, prior to the  
14. court ruling, would be removed. That...that is the point that I  
15. attempted to make. For what purpose does Senator Wooten arise?

16. SENATOR WOOTEN:

17. Mr. President, a question on that same point. Would the  
18. motion not have to be reput by someone who voted on the prevail-  
19. ing side. And that would mean someone, if it failed, someone  
20. who voted No would have to reput the resolution.

21. PRESIDENT:

22. The motion to reconsider must be put by a person voting on  
23. the prevailing side. Senator Wooten.

24. SENATOR WOOTEN:

25. Is that not then, perhaps, a defect in the procedure.  
26. Would someone who voted against the...could we get some kind  
27. of a....

28. PRESIDENT:

29. I think you raise a legitmate concern but I don't think  
30. you should be troubled by it. The question before the Senate  
31. is the consideration of Senate Joint Resolution 68. Senator  
32. Saperstein.

33. SENATOR SAPERSTEIN:

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1. Mr. Chairman, thank you very much. I'm sorry I wasn't  
2. recognized a little earlier when I put my hand out. I want  
3. to support, and I wanted to support the statements of Senator  
4. Glass and Senator Partee in not appealing the ruling of the  
5. Chair. I want that part of the record. Thank you very much.  
6. OK, ladies and gentlemen, this is...

7. PRESIDENT:

8. For what purpose does Senator Donnewald arise?

9. SENATOR DONNEWALD:

10. Well, I would inquire of the Chair, the debate will be as  
11. per the rules of the Senate, 15 minutes, is that correct, Mr.  
12. President? For each party that wish to use that amount of  
13. time.

14. PRESIDENT:

15. The rules provide for five minutes.

16. SENATOR DONNEWALD:

17. Five minutes for debate per member.

18. PRESIDENT:

19. Yes. We have not suspended the rest of the rules. We've  
20. suspended only...only that provision of Rule 6, relating to the  
21. question of immediate consideration and non-reference to Com-  
22. mittee. For what purpose does Senator Howard Mohr arise?

23. SENATOR HOWARD MOHR:

24. Mr. ...excuse me. Mr. President and members of the Senate.  
25. Earlier Senator Knuepfer raised the question about not being  
26. able to explain votes on roll call. I think most of us that  
27. have sat through previous sessions appreciate it...the change  
28. in that rule. And it was pointed out then and I think we should  
29. point out again today that every member of this Body does have an  
30. opportunity to discuss the pros and cons of this particular piece  
31. of legislation and by going into explaining the vote on the roll  
32. call, we'd be here for three days on this...just this one subject  
33. alone. We spent money to put this electronic recording device

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1. in because of the need to conserve time of this Body, but just  
2. want to point out to the members that are visiting here today  
3. that I, personally, take issue with Senator Knuepfer on that...  
4. that ....remark, that might lead people to believe that members  
5. are not afforded the opportunity to express themselves in this  
6. Body.

7. PRESIDENT:

8. Senator Newhouse.

9. SENATOR NEWHOUSE:

10. Mr. President, let me assure Senator Mohr, that I think  
11. that what Senator Knuepfer and I were trying to accomplish on  
12. this specific piece of Legislation was to make certain that  
13. there would not be...the opportunity would arise to either  
14. explain or debate and not vote. So rest easy, Senator, I have  
15. no intention of explaining on roll call when the opportunity  
16. for debate presents itself.

17. PRESIDENT:

18. The Chair also wishes to point out that we have been making  
19. note of those Senators who seek recognition. It is difficult  
20. to anticipate when a member might put the question to close  
21. debate by moving the previous question. And we have had an  
22. understanding, while it is not specifically provided in our  
23. rule, that all Senators, who have sought recognition, and who  
24. have not yet been recognized in the course of our recognition  
25. process, that if the question closing debate is put that the  
26. Senator so moving is requested to withhold the motion until  
27. those Senators who had prior to that point sought recognition  
28. and we have honored that procedure thus far. I do want to make  
29. clear that the Chair will make note of every Senator who seeks  
30. recognition and there has never been an attempt by the Chair to  
31. close off debate unless that question has been carried by the  
32. affirmative vote of 30 members. Senator Nudelman.

33. SENATOR NUDELMAN:

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1. Mr. President, I am still confused procedurally. Am I...  
2. am I proper in my understanding...correct in my understanding  
3. that if this matter gets some 30 to 35 votes and...it will have  
4. failed under your ruling; however, it will be somehow in Limbo  
5. for the period of time it takes the Federal Court to make its  
6. ruling and then, if it...if the Federal Court should so rule it  
7. will have been...we will then declare it...we will then declare  
8. it to have passed?

9. PRESIDENT:

10. My point was, Senator Nudelman, that under our rules, a member  
11. voting on the prevailing side may file a motion and that we would  
12. be in a better eventual posture to have a subsequent roll call  
13. on the question of adoption if it receives 30 votes or more, but  
14. less than 36. And that it would be an orderly and intelligent  
15. procedure for us to file a motion providing for re-consideration  
16. and if the court strikes down the Illinois three-fifths Consti-  
17. tutional requirement and if the adoption roll call produces more  
18. than 30 votes today but less than 36 that subsequent to the  
19. ruling of the court we reconsider and take a roll call subsequent  
20. to the court ruling on the question of adoption and that we would  
21. be in a better posture to clearly communicate to the United States  
22. authorities concerning the action of Illinois insofar as the  
23. Equal Rights Amendment ratification process is concerned. It  
24. seems to me that that would be better than to use the effect of  
25. a roll call taken today prior to a determination by the court on  
26. the question of the three-fifths requirement. Now your question  
27. is will the amendment be in Limbo. Actually no. The amendment  
28. will be in a position to be reconsidered. Senator Nudelman.

29. SENATOR NUDELMAN:

30. Requiring another vote at that...at that point in time?

31. PRESIDENT:

32. Yes.

33. SENATOR NUDELMAN:

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1. Well, I would also point out to the Chair, just as a matter  
2. of general information, that should the proponents attempting to  
3. override the ruling of the Speaker of the House and override the  
4. Constitution of the State in Illinois lose in the Federal Court  
5. the likelihood is they will appeal further so that we may be in...in  
6. that posture for quite some time.

7. PRESIDENT:

8. I don't think there is any way of avoiding being in the  
9. posture of considering this question one way or another except  
10. that we should apply common sense to implementing the procedures  
11. that are available to us under our rules. For what purpose does  
12. Senator Partee arise?

13. SENATOR PARTEE:

14. Well, Mr. President, I think that you, nor I, nor any of  
15. the members here, like to see anything in Limbo. I am going  
16. to offer a counter suggestion, which will, I hope, if it's adopted,  
17. prevent us from being in a situation of Limbo. First of all,  
18. there are those who believe that it takes 36 votes, those who  
19. believe that it takes 30 votes. Why couldn't we, on a  
20. recordation of the affirmative votes here today, by suspending  
21. the rules and expressing the sense of the Senate, make our record  
22. show and reflect that the number of votes cast for this measure  
23. shall be permanently recorded today and that whether or not it is  
24. passed or not passed will depend on the decision of the court. To  
25. put it another way. If, for example, 32 votes were recorded  
26. affirmatively, under your ruling it would not pass but we would  
27. say it is...32 votes have been passed and that is there. Then  
28. when the court rules the sense of the motion I would make would  
29. be that we would then authorize the Secretary of the Senate to  
30. finalize the vote in accordance with the number of votes cast as  
31. it applies to the decision. So, if the court comes out and says  
32. it takes 36 and only 32 were here today, then it loses. If the  
33. court says it takes 30 and 33 or 32 or 31 or 30 are recorded to-



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1. day, then the record would reflect that it had passed. This, of  
2. course, obviates having to reconsider it after the court has  
3. ruled. This, of course, obviates the question which Senator  
4. Wooten raised with reference to who would be the person to be able  
5. to surface it. This is a suggestion which I think has some merit.  
6. I'd appreciate a comment.

7.  
8.  
9. (end of tape one - continued on tape two)

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1. PRESIDENT:

2. Well, I would respond to Senator Partee's comments to this ex-  
3. tent. My suggestion was to preserve the option of a member putting  
4. the question of reconsideration to the Body without resorting to a  
5. suspension of the rules for that purpose. As a matter of fact, it  
6. occurs to me that there are thirty votes here to suspend the rules  
7. in connection with this question. So that, my suggestion to preserve  
8. the option of the privilege of reconsidering is perhaps moot. What  
9. I have intended to suggest here is that the Senate not in any way  
10. attempt to intrude in the matter presently being litigated but that  
11. we preserve our options for a valid ratification subsequent to the  
12. court ruling. My suggestion was intended for no other purpose than  
13. that. That if we learn that there are thirty or more votes but less  
14. than thirty-six. That we preserve the opportunity to consider the  
15. question again while we are here this year and subsequent to the court  
16. ruling if the court strikes down the language of the constitution re-  
17. quiring a three-fifths vote. The Chair wants, in no way, to jeopar-  
18. dize the rights of all the members in the Senate on any question but  
19. certainly, particularly, as relates to the consideration of this which  
20. is in a somewhat delicate relationship because the question of the  
21. Illinois Constitutional Requirement is being litigated. It...Senator  
22. Sours. Senator Sours.

23. SENATOR SOURS:

24. Mr. President, ladies and gentlemen of the Senate, I think when  
25. there's a roll call, in every event, it ought to be that that is the  
26. end of a matter. I don't know how we can legislate now by a roll call  
27. for something that might or might not take effect. I'd like to call to  
28. the President's attention that if we're going to talk about the future  
29. we're also dealing with mortality and I feel, and I'm just speaking  
30. for myself, that we either do something on this and declare it passed,  
31. or otherwise, today. We shouldn't permit the intervention of time and  
32. death and everything else and inability or hospitalization to inter-  
33. vene between what we do today and when something will be declared to

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1. have passed. Mortality is with us all the time, Mr. President, and I  
2. think...whatever we do today ought to be effective today regardless of  
3. the consequences tomorrow.

4. PRESIDENT:

5. Senator Netsch.

6. SENATOR NETSCH:

7. Mr. President, this is on the procedural point also. I would  
8. like to add, simply, one thing to Senator Partee's explanation of why  
9. it would be better to take this slightly alternative course of action  
10. and Senator Sour's similar comments. It is very possible, in fact,  
11. very likely, that we will not be in session at the time that the three  
12. judge federal court in Chicago rules. I concede we might be back in  
13. session some time before we go out of existence but we do not know  
14. that because we do not know the time of that ruling. It seems to me  
15. if we accept the vote today as a recorded vote that can be certified  
16. depending on which way the federal judge...the three judge federal  
17. court goes that we then have eliminated that part of the problem.  
18. That part being that we may not...that we may not be here to take that  
19. vote on reconsideration to which you referred.

20. PRESIDENT:

21. For what purpose does Senator Soper arise?

22. SENATOR SOPER:

23. Mr. President and members of the Senate, it's a very simple solu-  
24. tion to this whole matter without doing a lot of paper work. If I were  
25. Senator Saperstein when this vote is called, if I received less than  
26. thirty votes, I'd forget about it. If I received more than thirty  
27. votes and less than thirty-six, I'd ask postpone consideration, put it  
28. on the calendar and if the court comes out with a ruling, she doesn't  
29. have to file any motions and call the...call the matter to be heard  
30. again for the thirty votes. Let's get on with the business. This is  
31. very simple. We don't have to have a lot of mish-mash and we don't  
32. have to have some ruling here that says that if there's thirty votes  
33. and the court decides this or decides that, then, we've got a valid

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1. bill and if they decide it's thirty-six, the bill is dead because  
2. from now on out we'd have...we'd have votes taken in this Senate that  
3. would...that would depend on court action and we'd have our whole  
4. wiring system and recording system all cluttered up with...with  
5. decisions that would have to be made by some court at some future  
6. time and the law books would be jumbled up. We wouldn't know whether  
7. the statutes were in, out or indifferent. Now, we'd never have any-  
8. thing that...that was definite. So, let's get on with the business and  
9. if Senator Saperstein sees that she wants to postpone consideration,  
10. she doesn't have thirty-six votes, fine.

11. PRESIDENT:

12. Senator Howard Mohr.

13. SENATOR MOHR:

14. Well, I would concur with the remarks of two attorneys. It's  
15. not often that I agree with them...with...with attorneys. Senator  
16. Soper and Senator Sours, we do have a court system that has ruled on  
17. legislation that has come out of here and it's been debated, it's  
18. constitutional, it's unconstitutional. I would remind this Body that  
19. we have twenty-one lawyers in this group which is about one-third of  
20. the membership is made up of lawyers and I think we've had, probably,  
21. eight opinions so far and if we hear from the rest of them, we'll get  
22. ...we'll get twenty-one or maybe forty-two opinions. But, I would just  
23. point out to this Body that we have other matters that are important  
24. here. Many of us swallowed hard to have this issue come up here this  
25. morning. I, personally, have opposed ERA. I voted to permit it to  
26. come out here and be discussed. I don't want to get into a lot of  
27. legal bickering. I think we should go on and hear it. The thing that  
28. concerns me, ERA is important to a lot of people. There's no question  
29. about it. No arguing about it. We've afforded these people the oppor-  
30. tunity to have this measure heard. We should do it and do it now. I  
31. want to also point out that there are other matters that are very, very  
32. important. In some of our opinions, more important than ERA. We've  
33. got the RTA Special Committee Hearing on that this afternoon at one

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1. o'clock. We have Appropriations at 3 o'clock. We have a Tollway  
2. meeting at 2 o'clock, and you'll note that there's no time in there  
3. for lunch. Some of us can forego the lunch, I agree, but there are  
4. matters that are very, very important to this...this Body. We have the  
5. eight billion dollar budget which I think is equally important to ERA  
6. and we certainly ought to be able to devote some time to that today.  
7. And, I'd suggest we get on with the roll call.

8. PRESIDENT:

9. The Chair rules that adoption of SJR 68 requires thirty-six votes.  
10. The Chair acknowledges that Senator Soper's suggestion is sound. I  
11. will not restate it. I think we've had this issue thoroughly dis-  
12. cussed insofar as procedure is concerned. The matter before the Senate  
13. is the consideration of SJR 68 and Senator Saperstein is recognized.

14. SENATOR SAPERSTEIN:

15. Thank you, Mr. President. Ladies and gentlemen of the Senate,  
16. the ERA will take its place in the total framework of the Constitu-  
17. tion and fit into the remainder of the Constitution. Specific  
18. rights embodied in the first, third, fourth, and fifth and the  
19. ninth amendment operate to protect the individual against in-  
20. trusion by the Government under certain areas of thought and  
21. conduct. I believe that the extension of the Equal Rights Pro-  
22. tection clause of the 14th Amendment has not worked because it is  
23. not tied to the concept of sex discrimination. Nineteenth century  
24. morality maintained an inferior status for women. A morality includ-  
25. ing "a woman's place". We now say that a woman's or a man's place is  
26. where they want it to be. At home baking bread, taking care of her  
27. children, tending to business, or in the job market by choice or by  
28. necessity. Women who constitute over forty percent of the work force  
29. are still frequently thought of as being outside of their normal roles.  
30. It has been a cruel hoax that has romanticized protection and privi-  
31. lege resulting in relationships that are frequently limiting to both  
32. men and women. Putting women on a pedestal makes it impossible for  
33. them to walk. We are left only to turn in circles. Our opponents

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1. view the passage of ERA as a disintegration of the family. We view  
2. passage of the ERA not as a weakening but as a strengthening of inter-  
3. dependent relationships between husbands and wives and will still  
4. continue to make their own decisions, their own choices. It will not  
5. interfere with personal choices. The passage of ERA will eliminate  
6. the continuation of a dual system of legality that perpetuates stereo-  
7. type thinking and this is not what we want in this 20th Century. A  
8. man who is all courage and aggression and ambitious is something to  
9. be admired and a woman who has courage to make her choices is also to  
10. be admired. Differences of opinion do not stem from the facts but  
11. from the value judgements given these facts. Arguments given in pre-  
12. vious discussions of the amendment and the materials that have crossed  
13. your desk, and you have considerable put on your desks this morning,  
14. have gone over the facts. We have gone over the fact that privacy  
15. will still be upheld under the law as has been in the recent decisions  
16. of the Supreme Court. Or that equality is not sameness. This is not  
17. what we want. We have gone over the fact that the family unit is not  
18. being challenged by ERA. And the fact that the 14th Amendment has not  
19. done the job. The facts of discrimination in employment, pensions,  
20. credit, insurance and education are well documented. Going over these  
21. facts will not convince you if you do not sense the injustice of un-  
22. equal treatment for men or women under the law. Without ERA we will  
23. perpetuate archaic un-American laws that violate our democratic prin-  
24. ciples upon which this country was founded, of equality under the law.  
25. In a recent editorial calling for the passage of ERA, the Daily News  
26. states discrimination under the law on the basis of sex is antiquated  
27. and has no longer has place in the American democracy. I will close  
28. in a minute. In calling for ratification of the amendment which says  
29. clearly that equal rights under the law shall not be denied or abridged  
30. in the United States or any state because of sex. I want Illinois to  
31. join the thirty-three states in declaring the ratification of this  
32. amendment. It is odd that Illinois, and I have researched this, was  
33. the second state to adopt the 19th Amendment in 1919. It took only a

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1. year and a half for the states to adopt this resolution...ratification.  
2. We did that in our new Constitution of the 1970's. What is wrong with  
3. reiterating our previous decision that equality under the law for all  
4. shall be the rule of the land. It is as simple as that that unless  
5. we declare that there shall be no discrimination under the law, we are  
6. denying the principles upon which this country is founded. No country  
7. has been so strong in developing equality in the law. Not only for  
8. its own citizens but for the citizens of the world. Let's do it for  
9. the citizens of Illinois and the United States. I urge your yea vote.  
10. Thank you.

11. PRESIDENT:

12. Senator Newhouse.

13. SENATOR NEWHOUSE:

14. Thank you, Mr. President. In an effort to be brief, I've made a  
15. few notes also. I shall try to hold to them as rigidly as possible.  
16. Mr. President, Senators, guests, in the eight years I've been in this  
17. Legislature, I have sponsored and or cosponsored and or voted for every  
18. human rights measure that's come into this Chamber. Many of them,  
19. I've brought into this Chamber. I entered politics because I believe  
20. that every individual should be free to control that individual's life  
21. as long as individual decisions harm no others. There are no exceptions  
22. to that philosophy. My record of cosponsorship and hard work to pass  
23. such legislation has included women. Sometimes that job has been a  
24. lonely one. Sometimes not. Why, then, do I oppose passage of ERA.  
25. First of all, this is not a slogan. It's a constitutional mandate  
26. with all the legal consequences that flow from it, let's examine this.  
27. While I proceeded as indicated, on all women's legislation. My record  
28. has been equally strong on legislation involving children and there  
29. the substantive difference lies between not the goal to be achieved  
30. but the path to be taken. Let's look at the record briefly. In the  
31. 75th General Assembly, I cosponsored, along with my seatmate here,  
32. two pieces of legislation. SB 781, the equal pay act which prohibits  
33. discrimination in payment of wages based upon sex. I also cosponsored

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1. with her SB 782 which amends the eight hour day law for women and  
2. provides for voluntary employment which under the terms of the Equal  
3. Rights Act would not be available to people trying to raise children.  
4. I intend to continue to make it possible for children...for people to  
5. raise children, particularly mothers. And, when the option presents  
6. itself to me, children will win. I marvel at the amount of money,  
7. time and energy both psychic and physical, that went into the organi-  
8. zation and financing of the move to pass this act. I, personally, find  
9. it a welcome move and hope that it's available in the future for the  
10. remainder of the human rights struggle. I'd like to make several  
11. suggestions and a couple of reminders. There was a lady who ran for  
12. President, her name was Shirley Chisolm. I'm proud to say that I was  
13. responsible for her coming to Illinois. When she came to Illinois to  
14. campaign, it was suggested that her campaign might be better run by  
15. women than out of the office which I had donated with the space and  
16. the staff to at least get started. Needless to say, that never got  
17. off the ground. And, I'm sure that some of you who are up there now,  
18. who worked on that are wondering where all this organization, all this  
19. money, all this psychic and physical energy was at that time. I recall  
20. to some of you that on Thanksgiving Day, a year ago, the Director of  
21. the Cook County Hospital said Merry Christmas I'm going to fire a  
22. thousand people and the people who were involved were mostly women,  
23. mostly black and poor, mostly mothers raising children. Some of whom  
24. had come off the aid to dependent children roles and had gotten some  
25. training with the state and become licensed practical nurses and the  
26. devastation of them returning to those roles was incentive for a six  
27. month battle during which time I could get no help from the people who  
28. were sitting in those galleries and from the people who were pushing the  
29. Equal Rights Amendment. I regret that. The same thing happened a few  
30. months later when a number of women laborers, poor working mothers were  
31. fired from a job and we asked for two things. Legal help, moral help,  
32. including food for some mothers who would not have the food to  
33. take home to their children. Needless to say, that did not happen



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1. either. Very recently, there's a lady who's an acquaintance of  
2. mine, and for whom I have a great deal of admiration, her name is  
3. Jewel La Fontan. What happened to Jewel La Fontan in Washington D.C.  
4. when it was "leaked" from the American Bar Association that she was un-  
5. qualified to become a supreme court judge. It should not have happened  
6. to anyone and I expected the world to explode when that happened and I  
7. heard not a peep. Not a peep. Right now, let me suggest something  
8. to you, there's a lady named Brenetta Howell Barrett. She is in charge  
9. of the Department of the Governor's Office of Human Resources. She  
10. has become a political football over the past two or three weeks and  
11. I've heard not a peep about the fact that she's been sabotaged in her  
12. own department. She doesn't run it and her department stands the  
13. danger of being completely gutted by virtue of the fact that it drift  
14. over to some areas where it shouldn't have been not under her direction.  
15. My suggestions are that if we're really talking about equal rights for  
16. all women, if we're really talking about equal rights for all people, I  
17. would certainly like to see some of this time, some of this energy, some  
18. of this money, available in those very practical levels where people  
19. take a moral beating that you simply don't seem to understand. I have  
20. asked and will ask the technicians in this Legislature, to look to every  
21. point where legislation is necessary to protect children and those who  
22. want to protect, who want to raise children, including mothers and I  
23. will sponsor every piece of legislation that they bring to me. That  
24. will be my legislation program. I would hope that, even though we do  
25. choose diversion paths to reach the same goal, that at some point we  
26. can come together and talk about the broad, general subject of human  
27. rights which is what I see it as being all about and that the fragmen-  
28. tation process that I see that has occurred, will not occur any longer  
29. and that we'll all have for...objective to the gaining of what we talk  
30. about is the constitutional provision for equal rights for all persons.  
31. Thank you Mr. President.

32. PRESIDENT:  
33. Senator Smith.

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1. SENATOR SMITH:

2. Mr. President, ladies and gentlemen of the Senate, for the past  
3. several minutes we have set here and listened to a lot of rhetoric.  
4. I have heard able lawyers stand here today and advocate a given posi-  
5. tion. Then I've heard an equally able attorney stand and seek to  
6. refute what the first one said and I've had a ...listened to a third  
7. attorney stand, make a different and a complete turn around and  
8. disagree with what the first two had said. I wondered as the debate  
9. progressed what influence or impression the various speeches, including  
10. this one, is having upon the membership of this Body. Those of you  
11. who have been here for some considerable time, perhaps like myself  
12. and I would have thought that I had been here too long until a certain  
13. elected official saw fit to hinder my return to the Body and I merely  
14. agreed to run again to convince him that his opposition was a help to  
15. me. And, to try and convince him that if I never have any stronger  
16. opposition than he can offer or afford, that I could stay in this  
17. Body until the youngest child in the City of Springfield or in the  
18. City of Chicago becomes as grey as an apostle. I had that opposition  
19. and I overcame it. So much so, that I will, to make an apology to the  
20. candidate that this outstanding individual, who like some of us, does  
21. a lot of talking, megalomaniacs, with that propensity to talk with no  
22. regards for the facts of the truth of life, for the truth of every  
23. day living. I, for one, have approached no one asking them how they  
24. are going to vote, or whether they're going to vote for the adoption of  
25. the good Senator's resolution, or whether they are going to vote against  
26. it. I remember the first talk I had in my senatorial district during  
27. the recent primary campaign, I addressed a group of my constituents  
28. who were definitely committed to the cause which Senator Saperstein  
29. has so ably espoused here today. And, on previous occasions and in  
30. my frankness, I said to them, that should this resolution be put to a  
31. vote prior to the March...the 19th Primary Election, I would gladly  
32. go to the polls and vote in opposition to its adoption. I believed,  
33. as I perhaps believe now, that in this game of politics it's a

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1. case of you scratch my back and I'll scratch your back. Those who  
2. are advocating the cause of the adoption of this resolution had  
3. never scratched the back of any candidate that my organization had  
4. put up out there in the wad and it was my hope that the good Sen-  
5. ator would call the resolution prior to March 19th so that I could  
6. scratch their back by voting against it. As I listened to the de-  
7. bate here today, there came to my mind an old saying. It's a sim-  
8. ple something and yet I can't say it's a truthful something. It  
9. says here's to woman's right when she's right, she's right right.  
10. When she is wrong she is right. If she had all of her rights right,  
11. well we know, right where the men folks all would go. I don't know  
12. that there's any logical truth in that statement. I'm going to make  
13. bold here an expression of my belief when I came here in 1900... no  
14. I came here to the Senate in 1955. But when I was first elected to  
15. this Body in 1942, I had decided within that it would make no dif-  
16. ference to me who sponsored a resolution or a bill, who wrote, who  
17. drafted, or who was behind a particular piece of legislation. I had  
18. decided that all matters, insofar as this humble servant is concerned,  
19. would be decided wholly and solely upon its merit. I've tried to  
20. follow that. God be thanked, I've succeeded with one or two ex-  
21. ceptions. Let me then say, I haven't seen that light and I see  
22. you watching me but just let me say this, hurriedly and briefly.  
23. When I vote this morning, or it's afternoon now, it will not be for  
24. this resolution. It will not be against this resolution, I assure  
25. you. I'm going to vote wholly and solely for the chief sponsor of  
26. this resolution. I've seen her work here for years. I don't think  
27. that there's a more honest, a more dedicated, a more sincere work-  
28. er for any cause, be it popular or unpopular, than Senator Saper-  
29. stein. I listened to her speech here today and I went to her Chair.  
30. She'd asked me before how are you going to vote, and I wouldn't  
31. tell her. I did tell her today. I'm going to vote for the adop-  
32. tion of your resolution, Senator, and I'm doing it not because  
33. I believe so much in the merits of the resolution, not by

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1. any means. I've said to you and I've said to members on this side  
2. in caucus that if I...if you had the patience and I had the time,  
3. I could convince you of certain things. Nevertheless, I respect  
4. you. I don't know whether your husband is in the audience here  
5. today or not but I love you. And, I'm going to vote for you and  
6. with you on this resolution...on the adoption of the resolution.

7. PRESIDENT:

8. Senator Course.

9. SENATOR COURSE:

10. Thank you, Mr. President. I'd like the...I rise on a point  
11. of personal privilege. I'd like the members of the Senate to rise  
12. and welcome a friend of ours. Mike Berry, who is a manager of  
13. Midway Airport and his son Marty and his family who will...Marty  
14. is being sworn in this afternoon as an attorney and I would like  
15. the Senate to rise and greet Mike and his family.

16. PRESIDENT:

17. Senator Glass.

18. SENATOR GLASS:

19. Thank you, Mr. Speaker. Thank you, Mr. President, ladies and  
20. gentlemen. I rise and support this amendment. I think we've seen  
21. over the years a case by case, issue by issue, and state by state  
22. debate and consideration of the many issues of equal rights for  
23. women in employment and education and in many other fields we have  
24. had to have a case by case decision on these rights. What the  
25. Equal Rights Amendment does, very simply, is to do away with that  
26. procedure by a single and concise constitutional guarantee which,  
27. I think all of us agree with insofar as the language is concerned.  
28. In fact, I believe everyone gives at least lip service to equality  
29. and so that they do not object to the equality that this amendment  
30. would create but they claim that some of the results it would bring  
31. about are unfortunate and dangerous. Particularly in the areas of  
32. the draft, in the areas of employment and in the areas of the  
33. family unit. I found it interesting that on our desks is a copy

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1. of a bill introduced in the United States House of Representatives  
2. in 1944 and held there by Chairman Seller for...for years and years.  
3. This is a bill that would have drafted women during the first...  
4. during the second World War. The right to draft women has always  
5. been present. Under the present circumstances, I don't believe  
6. it should be an issue which should deter anyone from supporting  
7. equality for women. Should women be drafted, they could be placed  
8. in branches of the service and in positions that they could handle  
9. that they were capable of...of fulfilling. In the area of employ-  
10. ment, I would just suggest to you that most of our friends in organ-  
11. ized labor would favor this amendment and I quote from the President  
12. of the Cleveland Council of Union Women, AFLCIO affiliate, union  
13. women have worked hard and long to make our brothers see that in  
14. reality the "protective laws" do not actually protect us from unsafe  
15. or unhealthy working conditions. More often they are used to deny  
16. women equal opportunities to train for better paying and better  
17. skilled jobs. So far as the family unit is concerned, I believe  
18. that with a guarantee of equality, women as mothers and homemakers  
19. will be given the rights and dignity to which they are obviously  
20. entitled and it...this amendment will strengthen rather than weaken  
21. the family unit. It's an amendment that is consistent with our  
22. ideals in this country. I can sympathize with some of Senator  
23. Newhouse's concerns for bringing about equality in other areas. I  
24. don't think that stands as an argument, however, against bringing  
25. equality to women under this amendment. I would urge all of you  
26. to put Illinois in the pro ERA column in 1974 by voting yes today  
27. on this amendment.

28. PRESIDENT:

29. Senator Palmer.

30. SENATOR PALMER:

31. Mr. President, ladies and gentlemen of the Senate, I do not wish  
32. to be repetitious as some of my colleagues have expressed my feelings  
33. here as to why we should support this amendment. I want to be very  
brief and call attention to this Body that when we had the discussion

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1. on parliamentary procedure as to the required number of votes, there  
2. was quite a great deal of eloquency by our President and also by some  
3. of the members here, that it is incumbent upon us to comply and fol-  
4. low...follow our Constitution of this great state. This is all I  
5. want to call to your attention. That we had a constitutional con-  
6. vention because we thought it was necessary to revise and improve  
7. our Constitution and this convention presented to us a constitution  
8. which was presented to the people and ratified by the people. And,  
9. all I wish to do is to read to you Section 18 of the Bill of Rights  
10. of that Constitution and it is entitled in bold type - no discrim-  
11. ination on the basis of sex and then reads as follows: The equal  
12. protection of the laws shall not be denied or abridged on account of  
13. sex by the State or its units of local government. Now, it very  
14. clearly states that we...we should conduct ourselves and go in that  
15. direction. The people have spoken and you have expressed yourself  
16. in that manner that you should follow the Constitution and if there  
17. is one state in this great nation that should ratify this amendment,  
18. it is the State of Illinois because it is inserted and provided for  
19. in its Constitution. Thank you.

20. PRESIDENT:

21. Senator Sours.

22.  
23.  
24. (end of tape pick up on next page)  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

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1. SENATOR SOURS:

2. Mr. President, ladies and gentlemen of the Senate, I suppose it'd be much easier in view of the audience here today to swim down...downstream; however, I'd like to call to the attention of the Senators here my reasons for attempting to swim upstream, instead of taking the easy course and be popular with the ladies. I believe that this amendment will destroy all state laws whatever there are, which now require the husband to support his wife. Equality, if it has any meaning at all, it means equal. Now equal today, or equal in this respect, but it's a totalitarian concept. It is either equal or it is unequal. I believe the husband should maintain the responsibility for the rearing of... for the support of minor children. I believe that's always been a good law. The common law fixed that responsibility; we adopted the common law in our Federal Constitution. Now let's talk just a little about military service. Senator Glass mentioned the bill which we have on our desks. I believe he misses the point. If we're talking about equality, and I am in the front line trench, I have the right to go in a Federal Court and make Mary Jones come up there with me. We're either equal or we're unequal. If it's equal, she'll be there, if I'm there. If I'm not there, she won't be. Now today there are certain preferential Social Security benefits that women enjoy. They'll go by the board, believe me, because that would be inequality or a position of unequalness. All of our Protective Labor Laws. They have to go. Now the lawyers in this Chamber, as well as this ordinary citizen knows, that the Constitution is the Supreme Law of the land and supersedes any state legislation or laws in conflict. Some of the legal scholars, and I am inclined to go along with them because I'm talking about equality, believe that there'll be no segregation in penitentiaries or in public bathrooms, toilet rooms, but maybe I'm a little prissy about this. Maybe I'm a little cavalierish about this. But I can't see where that's

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1. going to enhance the morals of our citizenry. Now perhaps  
2. my greatest objection, Mr. President, is transferring the com-  
3. plete spectrum of the rights of women. By that I mean marriage  
4. law, property rights, divorce, alimony, child custody, in-  
5. heritance rights, dower...take it out of local control by the  
6. State of Illinois and transfer it to the City of Lost Horizons,  
7. 900 miles away from here, sometimes called the City of Washing-  
8. ton. I'm not convinced this amendment will give women equal  
9. pay for equal work, or even better paying jobs, or promotions,  
10. or in anyway improving their working conditions. I'd like to  
11. close very briefly by reminding the lawyers and those students  
12. of Political Science, Article number, I mean Amendment No. 10  
13. to the Federal Constitution, it says "the powers not delegated  
14. to the United States by the Constitution, nor prohibited by it  
15. to the states, are reserved to the states respectively or to the  
16. people." This is just another example of handing over basic,  
17. unique, individual rights of the state to that all-powerful  
18. bureaucracy in Washington. I don't know whether this is going  
19. to pass or not, but I know this. We'll regret it. It's  
20. egalitarian, certainly, that has virtue. To level everybody off.  
21. To bring me up to your level or bring you down to my level,  
22. whatever that may be. People get attracted by something egal-  
23. itarian, and yet may I remind the Chamber here that was the very  
24. essence of the French Revolution.

25. PRESIDENT:

26. Senator Buzbee.

27. SENATOR BUZBEE:

28. Thank you, Mr. President. Mr. President, we have all  
29. heard from several of our constituents, from several interest  
30. groups across the State of Illinois and, in fact, across the  
31. United States. I'm constantly amazed when I get mail from  
32. women in Arkansas, State Legislators in Arkansas, and so  
33.



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1. forth. That they're concerned about my stance in the Equal  
2. Rights Amendment. We've all gotten this same mail, I know, and  
3. there seems to be a considerable amount of confusion from time  
4. to time, as to what different groups think different Legislators  
5. think about the Equal Rights Amendment. I know that we're  
6. probably, have all been inundated with more mail over this  
7. particular issue than any other issue that has come up before  
8. the General Assembly since I've been a member of this Body,  
9. both pro and con. I would like to state a constituent from my  
10. district just called me out a few minutes ago. She was not  
11. able to...she was not privy to entrance to the President's  
12. gallery because of the women that are there today. She is very  
13. much in favor of the Equal Rights Amendment. She was not  
14. aware that we had already taken the procedural vote on the by-  
15. pass motion. She handed me a list, that apparently had come  
16. from the League of Women Voters, that said I wondered why you're  
17. going to vote no on the Bypass Procedure...on the Bypass Motion  
18. and I pointed out to her that not only was I going to vote Yes,  
19. my stance had been all along, my stance has been consistent-  
20. ly since 1972, when I became a candidate for this Body, that I  
21. was very much in favor of the Equal Rights Amendment and I  
22. simply did not know where the League of Women Voters had gotten  
23. their information, that I was opposed to the Bypass Procedure.  
24. As a matter of fact, in looking down her list, I saw only approx-  
25. imately 20 or 25 names listed on there of various Senators who  
26. the League had information that they were for the Bypass Motion  
27. and that the rest of the list were voting No. I pointed out to  
28. her that there were just 37 votes cast in favor of the Bypass  
29. Motion, including mine, so I wanted to make that very clear to  
30. the women who are members of the League, as well as other groups  
31. who are interested in this. We are not talking, of course,  
32. about equality of the sexes. I don't think anybody has ever,  
33. that's in favor of the Equal Rights Amendment, has ever advocated

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1. that we have equality of the sexes, certainly not me. I personally  
2. like the fact that there are two sexes, and that there's a dif-  
3. ference. What we're talking about is equality of rights. Equal  
4. rights under the law. And I believe that the provisions that  
5. are in this amendment would guarantee women that they would have  
6. equal rights under the law as other groups from time to time have  
7. been guaranteed under the provisions of the United States Consti-  
8. tution. The question of all of us using the same restrooms, I  
9. don't believe is a germane one. I cannot see at any time in the  
10. future any Supreme Court Justice ruling that day that he is going  
11. to say that all of us have to use the same restrooms and then  
12. take his wife to dinner to a restaurant that night and have to  
13. face her after having rendered that decision. I think that is  
14. simply a dilatory type tactic, if you will, that has been used  
15. by the people who are opposed to the Equal Rights Amendment. It  
16. seems to me, Mr. President, that we face a very simple decision  
17. today. Whether we want to guarantee that future legislatures,  
18. and perhaps this one, of this state, and of other states, and  
19. the Congress of the United States, will be compelled to guaran-  
20. tee women equal rights under the law, whether it be for pay  
21. purposes, working conditions or whatever. Mr. President, I  
22. would point out that the Constitution of the United States, the  
23. Amendment to the Constitution, will simply state, in the event  
24. that this legislature, and some three or four others do see fit  
25. to ratify, it will simply state that equality of rights under the  
26. law shall not be denied or abridged by the United States or any  
27. state on account of sex. I simply do not see where that's going  
28. to force any woman into the combat trenches or any woman into  
29. the men's restroom. And I would ask this Body to consider giving  
30. their favorable support to this resolution. Thank you, Mr.  
31. President.

32. PRESIDENT:

33. Senator Berning. Senator Berning.

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1. SENATOR BERNING:

2. Thank you, Mr. President. Members of the Body. I recognize  
3. that there is very little that anyone is going to say on this  
4. Floor that's going to influence many, if any of the votes.  
5. However, I feel honor bound to make a small plea for the literally  
6. millions of women who object to the ERA. Their interest is in  
7. protecting their present rights. The proponents are saying to  
8. these people, these women, you don't count. You are unimportant.  
9. You will take it and like it. Now that, ladies and gentlemen,  
10. could possibly be justified if there was no protection at this  
11. time for our ladies. But I am not convinced that the protections  
12. of the 14th Amendment, the Equal Opportunity Act, and the Equal  
13. Pay for Equal Work Act do not protect our women. And I would  
14. like to submit that in this country we enjoy the highest level  
15. of economic abundance, the highest benefits to a Free Society  
16. of any Free or Captive Society, how we could have achieved this  
17. if we were so decadent, if we were so brutal, if we were so  
18. calloused and unconcerned about our fellow citizens, the lovely  
19. ladies. I submit that the American women are the envy of  
20. womankind throughout the World. Nothing can come...good can  
21. come of this amendment, I am convinced. But much harm can  
22. accrue.

23. PRESIDENT:

24. The Chair wishes to announce that there will be one addi-  
25. tional photographer taking a few still pictures from the gallar-  
26. ies, and eventually make a few shots on the floor. They're  
27. only still pictures. The members just are notified and should  
28. be on notice. Senator Wooten.

29. SENATOR WOOTEN:

30. Thank you, Mr. President, I think, as several people have  
31. said, we have gone over and over this ground again and again.  
32. I think there is one point that might well be made, though, and  
33. that is that we live in troubling times, in a period of time

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1. when the various institutions of society are going through pro-  
2. found changes, when many values are being called into question. As  
3. a matter of fact there seems to be little more than turmoil in our  
4. daily lives on all sides. I think it is unfortunate that the fears  
5. and uneasiness that we all experience today should have some how  
6. been concentrated into a consideration of the Equal Rights Amend-  
7. ment. Many people have begun to see the passage or failure  
8. of this bill as something that will somehow have an effect on  
9. the way our institutions are evolving. I think that's a...  
10. an unfortunate and erroneous assumption. The tides of society  
11. move at their own speed, at their own depth, and it is seldom  
12. that men can have any real influence over the profound changes  
13. that take place in the way we live and in the way society or-  
14. ganizes itself. I think those fears are real, I think they are  
15. justified. These are difficult times, but I would like to re-  
16. mind you that essentially everything in which we repose belief  
17. requires an act of faith. This is true of religion, it is true  
18. of democracy, it is true of the relationship between man and  
19. woman, and between members of a family. I think all of us have  
20. seen things occur in the democratic process, perhaps even in this  
21. Chamber, to shake our faith, but we still pledge our faith in  
22. democracy and in the legislative process. I believe that it is  
23. time for us to place ourselves on the line, to express an act  
24. of faith in the women of this country, that it is not litigation  
25. which makes them perfect creatures or imperfect creatures, it is  
26. not legislation which dictates the role they will play in society.  
27. They should be as free as we are. Free to make all the choices  
28. open to them, and all those choices should be open. I will  
29. support the Equal Rights Amendment and I urge all of you not to  
30. be deterred by, as I say, the fears we all feel, but to stand  
31. up to what is essentially a Civil Rights issue.

32. PRESIDENT:

33. Senator Chew.

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1. SENATOR CHEW:

2. Mr. President, I move the previous question.

3. PRESIDENT:

4. Senator Chew, your motion is in order, but we have been  
5. proceeding with the understanding that a Senator making this  
6. motion be advised of those Senators who had sought the recog-  
7. nition of the Chair on the question, and they are Senators  
8. Harber Hall, myself, Senator Netsch, and Senator Hickey. Would  
9. you withhold your motion then, until after either Senator  
10. Netsch or Hickey has spoken and then proceed with your motion  
11. and let the Body make a determination?

12. SENATOR CHEW:

13. I will do that, Mr. President, with the clear understanding  
14. that each speaker will have five minutes and five minutes only.  
15. I have counted some up to six and some up to nine, not that I'm  
16. disturbed about it, but we ought to keep this orderly because  
17. we have two committee meetings after the session.

18. PRESIDENT:

19. Now, I am sorry, I didn't notice...all right, I just want to  
20. make clear, I named Senators Harber Hall, Netsch, Hickey and  
21. myself, and I notice here that one of my staff had put Senator  
22. Clarke's name on the list also. I wasn't aware of that, so  
23. there would be five, following which you will be recognized to  
24. put your motion. Senator Chew.

25. SENATOR CHEW:

26. May I request of the Chair to have each speaker speak on  
27. more than the allotted five minutes?

28. PRESIDENT:

29. The rules...a provide that. Thank you. For what purpose  
30. does Senator Walker arise?

31. SENATOR WALKER:

32. Thank you, Mr. President. I call your attention to Rule  
33. 31 that no Senator shall speak more than once, more than twice

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1. on a question until others have, and I've been keeping a little  
2. tab over here myself, and one of those four or five that you  
3. have on the list has been up several times today, and I re...  
4. suggest that those who have previously spoken hold your piece,  
5. you aren't changing any votes, and I think the Senator that has  
6. been up several times knows whom I'm addressing. Thank you,  
7. Mr. President.

8. PRESIDENT:

9. Senator Harber Hall.

10. SENATOR HARBER HALL:

11. Before my limited five minutes, Mr. President, I would like  
12. to rise on a point of personal privilege and introduce in the  
13. President's Gallery a number of people from Logan County who  
14. have come down here favoring the Equal Rights Amendment. May  
15. I introduce Deborah Gilmore, John Pointner, Rebecca Louise  
16. Dortsch, and Linda Jean Barker, and others from Logan County.  
17. Would you please stand to be recognized, folks? Mr. President  
18. and fellow Senators, I won't take a great deal of time and I  
19. know you'll be pleased for that, but I would have to point out  
20. that into the discussion by the distinguished Senator Glass,  
21. who I respect for his work for his constituents for this Senate and  
22. for the entire State of Illinois, he pointed out that  
23. Emanuel Sellers, a long time head of the Judiciary Committee  
24. in the Congress, much respected, no mossback conservative he,  
25. no he, in fact, supported liberal causes of Civil Rights through-  
26. out his entire career, but I had the pleasure, Mr. President, of  
27. watching a television show, after he was defeated for Congress  
28. for what he said was opposing the Equal Rights Amendment for the  
29. harm that it would do if enacted. And he said on television be-  
30. fore millions of listeners that had he to do it over again he  
31. would indeed have to oppose the Equal Rights Amendment and suffer  
32. the defeat that he was suffering at that time. Recognizing the  
33. authority, the background, the knowledge, the intent, and the

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1. purpose of a strong Constitution, I have to side with Congress-  
2. man Seller, and say that with all the argument for, which I re-  
3. spect, I think it's constructive, I think it has already aided  
4. much in eliminating discrimination based on sex in our laws. I  
5. recall we passed fourteen laws last year that would tend to do  
6. this, so I think the argument has been good, but to conclude  
7. for the people in the gallery who came down to urge me to vote  
8. for this, I know my constituency, I hope, I feel I know them;  
9. I agree with them in the majority as they have expressed their  
10. opposition for ratification of the Equal Rights Amendment. I  
11. recently took a poll in my district; I did not single out parti-  
12. san political interest at all. I wrote to everybody who had  
13. written me and went through telephone books of the towns in my  
14. district, and at random selected names. My poll came back 1600  
15. answers and the result was 32 favor...32% favored the ratification,  
16. 48% opposed it; 22 were still undecided. I think that is a fairly  
17. good representation. I consider it an ac...accurate sample. I  
18. regret, for all those who have worked so long and hard, that my  
19. vote will have to be cast against this. Thank you, Mr. President.

(end of tape pick up on next page)

1. PRESIDING OFFICER (SENATOR HOWARD MOHR):

2. President Harris.

3. PRESIDENT HARRIS:

4. Well, Mr. President, this issue certainly has been debated  
5. sufficiently, but there are a couple of points that I don't  
6. really think have been adequately made. And I want to state them  
7. briefly. I oppose, personally, not as a leader, I oppose rati-  
8. fication of this amendment to the United States Constitution  
9. because I think it will basically destroy the opportunity for  
10. the States of the United States to provide advantage to women.  
11. I'm confident...I'm confident that the ultimate effect of rati-  
12. fication of this amendment if it occurs will be to effect a  
13. diminution of the need to Legislate in favor of women. And I  
14. think that it can be said no more simply than that. That the  
15. actual affect of eventual ratification will be to do just as  
16. Senator Sours has pointed out, to require equality and there  
17. are occasions where in fact advantage and special treatment in  
18. favor of women ought to be the option of the Legislative bodies  
19. of this country. And for this reason I fear the eventual opera-  
20. tion of this amendment to the United States Constitution. I  
21. need not say any more than that. That my vote against adoption  
22. of this Senate Joint Resolution 68 is a vote to preserve the  
23. option to the United States of America, the Legislative oppor-  
24. tunity to provide for special treatment for women. And for this  
25. reason I oppose the adoption of Senate Joint Resolution 68.

26. PRESIDING OFFICER (SENATOR HOWARD MOHR):

27. For what purpose does Senator Partee arise?

28. SENATOR PARTEE:

29. Well, Mr. President and members of the Senate, I hope that  
30. I will not say anything that has already been said. I have been  
31. away during the course of the debate, addressing some 300 lawyers  
32. who are being sworn in today as new members of the Illinois Bar.  
33. I have no wish to repeat what has been said and my remarks will



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1. be very brief. I have on a prior occasion, in depth, made the  
2. fact known that I am for this amendment. I have some personal  
3. recognition of what a diminution of rights are, having been  
4. born in a country where I was not a member of the majority. I  
5. can understand the desire of women to be treated equally. I  
6. understand that to be treated equally, to be given equal pay  
7. in the light of advancement is a rather fundamental kind of  
8. life. I would point out simply that in 1919 there were those  
9. within this country who said that women did not merit the  
10. right to vote. I would point out to you that both Illinois and  
11. Wisconsin were the first two states of the United States to rati-  
12. fy the amendment which gave the women the right to vote. Women  
13. prior to that time did not sit on juries or have full partici-  
14. pation in America. Women have shown their ability to handle,  
15. deal, and cope with all of the problems that beset the male  
16. gender. I suggest to you, Mr. President, and members of this  
17. Senate, that to go negatively on this amendment is to go retro-  
18. spectively and backward, not progressively and forward. I sug-  
19. gest that this is an amendment whose time has come. This is  
20. an idea whose time has come. Women deserve equal rights.

21. PRESIDING OFFICER (SENATOR HOWARD MOHR):

22. Senator Clarke.

23. SENATOR CLARKE:

24. Mr. President, members of the Senate. I only rise because  
25. I know I am not going to change anybody's mind. But there are  
26. a couple of things I want to say that I think haven't been said.  
27. A different viewpoint. We're approaching the 200th birthday of  
28. this country. And in Washington there is a great argument raging  
29. about another provision of the Constitution, relating to Impeach-  
30. ment. And, there they are finding that the founding fathers of  
31. this country wrote a very brief constitution on purpose, so that  
32. we would have flexibility in this country. Now I asked to have a  
33. little research done because I wondered over the 200 year span

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1. of this country how many amendments do we have and when were  
2. they passed. And I find that from 1791, and this is excluding  
3. the first 10 amendments which were the Bill of Rights, up to  
4. 1920, up to and including the amendment that Senator Partee just  
5. mentioned, the Right to Vote, there were nine amendments passed  
6. in those first 129 years. In the next 51 years, going up to the  
7. last amendment in 1971 we have passed seven amendments, almost  
8. as many as in the first 130 years of this country's history.  
9. Let me suggest that if we want to get specific, in the Consti-  
10. tution there are lots of ideas that we could have for amendments.  
11. I watched a program on television Sunday night, some of you may  
12. have seen, 60 Minutes, and it had to do with men out in California  
13. who were laid off at an early age of 55 from Standard Oil of  
14. California because that's when their benefits started to increase  
15. drastically. And yet there are laws in the Federal today...  
16. Federal laws that prohibit discrimination against aging citizens.  
17. I think that we have had, and I think that some of you who have  
18. been here a long time would agree, three major issues of  
19. tremendous emotional impact. In the first one, Senator Partee  
20. was in the forefront of, had to do with Open Occupancy. And  
21. that became the law of the country...of the land and of Illinois  
22. and it hasn't changed very much if you look at the facts. We  
23. went through a very dramatic debate for a couple of years.  
24. Senator Fawell was very worked up over it, having to do with  
25. Aid to Parochial Schools. We all knew the Constitution said it  
26. wasn't allowed, but we all got -het- up and it didn't change a  
27. thing, in fact it got knocked out. And I would suggest that if  
28. we would be honest with ourselves, if this amendment passes it's  
29. not going to change a great deal either, unless or until you  
30. have the actual workings and the will to change it. Right at  
31. the present time there are laws that deal with Equal Employment.  
32. They're called Compliance Laws and they're not respected at a  
33. Federal or the State level and you've got to fight in order to

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1. get those laws enforced. I think there are plenty of laws to do  
2. the job but changing the Constitution is something that hasn't  
3. been done as often in the first 130 years as it has been done  
4. in the last 50 years. One final point I'd like to make. Every-  
5. body gets -het- up about these kinds of issues and I'd like to  
6. suggest that somebody way back when who said that I respect your  
7. opinion, I disagree with what you say but I will defend to the  
8. death your right to say it, is the fundamental basis of this  
9. country, the right to disagree and respect other people's opin-  
10. ions. And when it comes to this kind of an issue, as with  
11. Parochial Aid, as with Open Occupancy, people get so emotionally  
12. involved, they disagree and don't respect the other person's  
13. right to disagree with their view. I'm going to vote against  
14. it for those reasons.

15. PRESIDING OFFICER (SENATOR HOWARD MOHR):

16. For what purpose Senator McBroom arise?

17. SENATOR MCBROOM:

18. Mr. President, just as a point of inquiry, is there any  
19. member of the Senate who hasn't spoken on this subject? Thank  
20. you, my question has been answered.

21. PRESIDING OFFICER (SENATOR HOWARD MOHR):

22. Senator Chew, for what purpose do you arise?

23. SENATOR CHEW:

24. I arise to renew my motion for the previous question. I  
25. think we've had some interruptions and some have spoken that  
26. were not listed by President Harris, and I think they have consumed  
27. the time for the two persons that did not speak. In all fairness  
28. I think it's true.

29. PRESIDING OFFICER (SENATOR HOWARD MOHR):

30. Senator Chew, if Senator Netsch and Senator Hickey agree to  
31. your request why the Chair would.... Senator Chew.

32. SENATOR CHEW:

33. The question is if they agree. They have no choice. I

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1. move the previous question. It's not going to change any votes.  
2. We can get on to doing something of importance. These people  
3. up in the Gallery have come to see how we're going to act. Well,  
4. let's get it on.

5. PRESIDING OFFICER (SENATOR HOWARD MOHR):

6. Senator, we....

7. SENATOR CHEW:

8. Let's get it on. Get it on. I move the previous question.

9. PRESIDING OFFICER (SENATOR HOWARD MOHR):

10. Senator, the agreement, as I understand it between you and  
11. Senator or President Harris...you would withhold your motion  
12. until Senator Netsch and Hickey have spoken, and they are the  
13. next two on the list, and I will recognize Senator Netsch and  
14. then Senator Hickey, and then your motion is in order. Today  
15. we're here to give women equal rights, Senator, I would just  
16. remind you. Senator Netsch. Senator Chew we're going to reverse  
17. the order. It'll be Senator Hickey and then Senator Netsch.  
18. Senator Hickey.

19. SENATOR HICKEY:

20. Mr. President and fellow members, and I want you to notice  
21. that I have no trouble using that word - fellow members. As far  
22. as I'm concerned I have no trouble with using man and mankind as  
23. generic terms, and with apologies to my friends from the ERA  
24. who are here, I don't even like the word - Chair Person. But  
25. even so I rise in support of the motion. Yesterday I, and I'm  
26. doing this knowing that I'm a bit presumptive to speak at all  
27. on my second day in this august body, but I feel that I am not  
28. really speaking for myself. Yesterday I telephoned a member of  
29. the Keegan family to ask them if the 3 or 4 sentences which  
30. appeared at the end of a story on May 3 in the Chicago Tribune  
31. were accurate. They assured me that they were accurate statements  
32. and I want to read that to you. It'll be very brief. "Betty Ann  
33. Keegan never rested in her fight to secure Legislated rights for

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1. women. During a year of insufferable pain she continued to  
2. struggle for the bill she felt would insure not only the dignity  
3. of women but also the dignity of men. When she died her family,  
4. understanding her feeling about ERA, asked that she be remembered,  
5. not by flowers, but by a vote for the bill, which is a request  
6. for life not death." For any of you who have very very strong  
7. convictions that this is wrong I am not asking you to change.  
8. For those of you who feel it's right, I commend you. For the  
9. rest of you, please may I ask you to think of giving the spirit  
10. of Betty Ann Keegan a vote for the ERA. Thank you.

11. PRESIDENT:

12. Senator Netsch.

13. SENATOR NETSCH:

14. Thank you, Mr. President, and Senator Chew. I knew that  
15. Senator Chew would not want to deny two of the three women in  
16. this Chamber the opportunity to say at least one word. Thank  
17. you. Equality of rights under the law shall not be denied or a-  
18. bridged by the United States or by any state on account of sex.  
19. It is not a very radical statement, it is not a very revolutionary  
20. statement. It states something that is so basic and inherent in  
21. everything that this country has stood for a long time, that it's  
22. amazing that it should stir up so much dissension and so much  
23. controversy. It's not really so much that the adoption of the  
24. Equal Rights Amendment is going to change society; it's that  
25. society has already changed, but it has not changed fairly for  
26. everyone who is a member of it. The...a vast proportion of our  
27. work force over about 40% now consists of women. Most of the  
28. women who work are not working simply to have a second automo-  
29. bile or a fur coat. They are working because they must. They  
30. are a...an essential part of the support of their family. That  
31. is the way in which society has changed. There is no question.  
32. The Equal Rights Amendment is going to require some adjusting in  
33. our laws and in our practices and in our attitudes and it would

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1. foolish if we were to suggest that that was not the case. But  
2. it does not mean....

3. PRESIDENT:

4. For what purpose does Senator Buzbee arise?

5. SENATOR BUZBEE:

6. Mr. President, a point of personal privilege. I am extreme-  
7. ly interested in what Senator Netsch has to say, and I am having  
8. an extreme amount of difficulty in hearing her.

9. PRESIDENT:

10. Point is well taken. Will the members please be in their  
11. seats and give the Senator their attention. Proceed, Senator  
12. Netsch.

13. SENATOR NETSCH:

14. Thank you, Senator Buzbee. The Equal Rights Amendment  
15. will require some adjusting in our laws and in our practices  
16. and in our attitudes, and it would be foolish and untrue if we  
17. were to suggest otherwise, but it does not mean enforced uni-  
18. sex, and it will not produce that result. I believe that the  
19. only things that we have to fear are not from ERA itself but  
20. from some deep social problems that this battle may make us  
21. more aware of. Our inability to get millions of people adequate  
22. jobs at decent wages, and the enormous social dislocation we  
23. have brought on ourselves through poverty and race and sex  
24. discrimination. I would suggest that we equalize the legal  
25. rules of the game and then get to the business of making life  
26. itself a little more equal. Please, let Illinois join this  
27. group.

28. PRESIDENT:

29. Senator Chew has moved the previous question. It is not  
30. debatable. All in favor of Senator Chew's motion, signify by  
31. saying Aye. Contrary No. The motion carries. Senator Saper-  
32. stein may close the debate, and before she proceeds I wish to  
33. point out that the resolution, Senate Joint Resolution has not

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1. been read. I will instruct the Secretary to read the Resolution  
2. and then recognize Senator Saperstein.

3. SECRETARY:

4. Senate Joint Resolution No. 68. Whereas the 92nd Congress  
5. of the United States of America at its second session in both  
6. Houses, by a Constitutional Majority of 2/3 thereof, adopted  
7. the following proposition to amend the Constitution of the United  
8. States of America.

9. (Secretary reads Joint Resolution.)

10. PRESIDENT:

11. Senator Saperstein.

12. SENATOR SAPERSTEIN:

13. Mr. President, Ladies and Gentlemen of the Senate. First  
14. I want to thank all of you for giving of your time, listening  
15. to the Pros and Cons as it should be in an American Democracy.  
16. Some comments I have heard that no one's mind has been changed,  
17. but this I will not accept, because as I listened to Mr.  
18. Fernandes reading Senate Joint Resolution 68, to me it sounded  
19. as one of the most perfect documents to be presented to any  
20. Legislative bodies in the United States. The beautiful words  
21. that express the philosophy of American Democracy when it says  
22. "equality of rights under the law shall not be denied or abridged".  
23. This is typical philosophy of the goal of an American Democracy.  
24. This is one link that is missing - that is missing in our  
25. country. There is no expression in the Constitution of the  
26. United States where it mentions that discrimination based on  
27. sex shall not operate in this country. I have listened very  
28. carefully to the debates and I think we all agree that it is  
29. erroneous to say that equality of rights under the Constitution  
30. will per...will develop sameness. There isn't anybody in  
31. this room who really truly believes in sameness. I am a woman.  
32. I want to remain a woman. I'd like to be a woman. And I hope  
33. that I act like a lady. There is no, no goal in that respect.

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1. And then I heard our illustrious leader and President say that  
2. he's not voting for it because he wants to give women more  
3. attention, more opportunity, and that he wants...does not want  
4. to deny the states the right to make special privileges for  
5. women. May I say to him...commend him for such a goal and such beauti-  
6. ful thoughts, but Mr. President we don't want special laws,  
7. we don't want special privileges. I have served in the Legis-  
8. lature for seventeen years and I don't think anyone can say  
9. that I have ever asked for special privileges because I am a  
10. woman. We want to stand side-by-side by our fellow men in  
11. achieving full citizenship and fulfillment in all that we do.  
12. And I also heard from other Senators who feel that they must  
13. vote no to protect their wives, and I would say you have to...  
14. I believe you ought to vote yes to protect your wives, because  
15. in many states in the United States women are restricted in the  
16. ownership or the management of their property. Also, in the  
17. last few years our courts have adjudicated that there is discrim-  
18. ination based on sex. The results of this adjudication. Just  
19. recently in Florida a man was adjudged that he must pay more  
20. property tax than a woman. On what basis? Did they find out  
21. whether or not the women were able to pay equal property tax?  
22. No. In Connecticut a law was invalidated which prevented the  
23. sale of contraceptives. The courts..the courts declared that law  
24. unconstitutional because it invaded privacy. So there will be  
25. privacy. There will be differences. But all we're asking for  
26. is what you did in the 1970...which you adopted in the 1970  
27. Constitution. The prevention of discrimination based on sex.  
28. And we're asking you, we're asking you this afternoon to vote  
29. again for this, so that we, Illinois, may join the other states.  
30. So that women in the United States shall be equal under the law.  
31. This is not too much to ask. And may I close with this. If we  
32. can have some quiet please. The women in the State of Illinois,  
33. who are supporting this vigorously with all the strength they



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1. have will never rest unless we achieve this in the State of  
2. Illinois, and that women I am sure will become politicalized.  
3. That women will vote as women, not as Democrats, and not as  
4. Republicans, but they will vote as women in their own best  
5. interests. Thank you very much.

6. PRESIDENT:

7. The question is, shall the Senate adopt Senate Joint Re-  
8. solution 68. Thirty-six votes are required for adoption.  
9. Those in favor vote Aye. Those opposed vote No. The voting  
10. is open. Have all voted who wish? Have all voted who wish?  
11. Take the record. For what purpose does Senator Saperstein  
12. arise?

13. SENATOR SAPERSTEIN:

14. I move to postpone consideration.

15. PRESIDENT:

16. Senator Saperstein has moved to postpone consideration.  
17. All in favor signify by saying Aye. Contrary No. The motion  
18. carries. Consideration....yes the roll call was not announced, Senator,  
19. her motion was in order. Consideration on Senate Joint Resolution  
20. 68 is postponed. It is the decision of the Chair, we have  
21. delayed the convention of several posted committee meetings,  
22. that we will adjourn very soon. I will acknowledge Senators  
23. who have announcements to make and we will then pick up with  
24. our Calendar on tomorrow's Legislative day. Senator Knuepfer.

25. SENATOR KNUEPFER:

26. The Senate Public Health, Welfare and Corrections Committee  
27. will meet immediately thereafter. For those of you who have not  
28. as yet had lunch we will provide you with sandwiches. Sandwiches  
29. will be made available for those of you who haven't eaten. But, we  
30. have a lot of business. We have one bill to dispose of...to  
31. initiate, and we then have Dr. Levitt. So come and eat your  
32. lunch while you're listening to this. Room 400, immediately.

PRESIDENT:

1. Senator McBroom.

2. SENATOR MCBROOM:

3. Yes...Yes, Mr. President, members of the Senate. The  
4. Senate Appropriations Committee will meet at 3:00 on the  
5. Senate Floor, Mr. President, and I anticipate that it will be  
6. a rather lengthy meeting. Thank you.

7. PRESIDENT:

8. Senator Latherow. Senator Latherow, just a minute. There  
9. is just a terrific amount of noise. I think some of it is com-  
10. ing from our guests in the side galleries. Will there be order?  
11. Some important announcements are being made and I do request  
12. cooperation from our guests. Proceed Senator Latherow.

13. SENATOR LATHEROW:

14. Senate....Agriculture, Conservation and Ecology will  
15. meet at 2:15, no lunch provided. That's in A-1.

16. PRESIDENT:

17. Senator Merritt.

18. SENATOR MERRITT:

19. Mr. President, maybe I missed the announcement. Wasn't  
20. there transportation at 1:00 today?

21. PRESIDENT:

22. Well, I have not recognized Senator Conolly yet.

23. SENATOR MERRITT:

24. I'm sorry.

25. PRESIDENT:

26. Senator Soper.

27. SENATOR SOPER:

28. Mr. President, members of the Local Government Committee.  
29. Upon the request of some of the members, they think it's a  
30. little early to get there at 8:30 in the morning, and we don't  
31. have very much business at that time. So, let's make it 9:30  
32. and we'll post the notice and we'll make it 9:30 in 212.  
33. 9:30, Local Government, 212, instead of 8:30 tomorrow morning.

1. We'll give you all the chance to get your teeth all brushed up.

2. PRESIDENT:

3. Senator Don Moore.

4. SENATOR DON MOORE:

5. Thank you, Mr. President, just to remind the members of the  
6. Legislative Advisory Committee on Public Aid, there will be a  
7. meeting tomorrow morning at 9 a.m., in Room A-1 in the State  
8. Office Building. Thank you, Mr. President.

9. PRESIDENT:

10. Senator Conolly.

11. SENATOR CONOLLY:

12. I would like to remind the members of the Senate Transpor-  
13. tation and Public Utilities Committee that we will be meeting  
14. immediately in Room M-3 to continue the discussion of the bills  
15. that were before us yesterday. I will not provide lunch. You  
16. know I only provide dinner.

17. PRESIDENT:

18. Senator Howard Mohr.

19. SENATOR HOWARD MOHR:

20. Mr. President, I move the Senate adjourn until 10:30  
21. tomorrow morning, May 22.

22. PRESIDENT:

23. Senator Moore moves that the Senate stand adjourned until  
24. 10:30 a.m. tomorrow morning. All in favor, signify by saying  
25. Aye, Contrary No, the motion carries and the Senate stands  
26. adjourned until 10:30 tomorrow morning.