be respected in any incomes policy. However, the evolution (or the failure to evolve) of the guideposts placed too much stress on economic rationality as opposed to workability and acceptance. For example, it was no doubt a mistake to have continued to insist on guideposts which were consistent only with complete stability of the price level at a time when prices had already begun to rise more than nominally.

3. The guideposts—or, more broadly, the intervention through public and private persuasion—had a noticeable and useful impact on wages and prices, even during the period 1966–68 when demand-management policy was inappropriate and highly inflationary. There was (in this writer's judgment) no damage to the allocation of resources, nor appreciable inequity—both of which were frequently charged.

4. Locating the administration of the guideposts and related interventions primarily in the Council of Economic Advisers was not ideal. To be sure, since the policy was voluntary, it benefited from a close association with the prestige of the Presidency and from the President's personal intervention at a few crucial points. Neither the Secretary of Labor nor of Commerce would have been a suitable administrator, given his office, and, in any case, the incumbents during most of the period were not supporters of the policy. A merger of the two Departments, or the Cabinet reorganization proposed by President Nixon, would provide a more suitable office in the future.

5. Given the seriousness of the problem and the inherent limitations of a purely voluntary policy, the author favours the establishment, by legislation, of a Price-Wage Review Board, with limited powers (a) to require prior notice of wage and price changes, (b) to suspend such changes for a limited period, (c) to investigate them (including power to compel testimony), and (d) to report to the public with recommendations.[1] The Board should be authorized to study and recommend—and possibly even be given limited powers of control—with respect to certain features of price-setting or of wage contracts (e.g., the conditions under which escalator clauses could be used), or to certain trade or employment practices that tended to raise costs or reduce competition. It would not, however, have power ultimately to limit or control any price or wage.

6. The President (but not the Wage-Price Review Board) should have at all times standby authority for the compulsory control of wages and prices, wholly or in any part, with the requirement that any use of this authority be reviewed by the Congress under a procedure which would permit a Congressional veto of the President's action.

7. To the maximum extent possible, the existence of a price-incomes policy (although not, obviously, the details of the policy) should cease to be considered a partisan issue, but rather come to be regarded as a regular and permanent aspect of the U.S. stabilization system.

8. A well-developed incomes policy should be in place and working before the U.S. economy next returns to the zone of full employment.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the distinguished junior Senator from Florida (Mr. CHILES), for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2458 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 15 minutes.

## ADDITIONAL COSPONSORS AND PROPOSED HEARINGS ON S. 2224, A BILL TO AMEND THE NATIONAL SECURITY ACT OF 1947, AS AMENDED

Mr. COOPER. Mr. President, I ask unanimous consent that Senators BAYH, BROOKE, CASE, EAGLETON, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, JAVITS, MATHIAS, MCGOVERN, PACKWOOD, PELL, RIBICOFF, ROTH, SCHWEIKER, STEVENSON, WILLIAMS be listed as cosponors of S. 2224, a bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. COOPER. Mr. President, the distinguished chairman of the Foreign Relations Committee has approved my request to hold hearings after the recess on the bill. It is my expectation that among those who will testify are a number of former and present officials experienced in the field of intelligence and the analysis of facts obtained by the intelligence agencies.

In introducing the bill on July 7, I said that the facts and analyses of intelligence collected by the CIA and made available by law to the executive branch under the National Security Act of 1947 should by law be made available to the Congress.

A chief purpose of the hearings is to establish that the best intelligence must be made available to the appropriate committees of the Congress and through them to the Congress as the Congress make determinations respecting legislative authority and funding of policies and programs of the executive branch, in the field of foreign policy and security. It will also be the purpose of the hearings to consider proposals for establishing guidelines in matters of classification and declassification and in establishing for the Congress effective security procedures so that the material to the Congress would be responsibly used.

When the Senate returns from its recess in September, it is my intention to state in more detail the kinds of information that should be available to the Congress and to outline suggestions as to the way the appropriate committees would maintain security for the documents made available to the Congress.

It is my firm belief that this bill provides an effective and straightforward way—and I might say, legal way—based upon the sound precedent of the law which created the Joint Atomic Energy Committee and specified the duties of the Executive branch to keep; that Committee fully and currently informed, for the Congress to better carry out its responsibilities. It is a way to insure that the decisions made by the government of this country—both the executive and the legislative—on foreign policy and national security will be the result of the consideration of the best information obtainable.

I ask unanimous consent that my statement of July 7, 1971, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 7, 1971]

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

Mr. COOPER. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches held so tenuously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative

[1] The author made recommendations along these lines as early as 1958. See his paper in *The Relationship of Prices to Economic Stability and Growth* (Compendium of Papers Submitted by Panelists appearing before the Joint Economic Committee), 31 March 1958 (U.S. Government Printing Office), pp. 634–6 and *passim*.

branch to better carry out its responsibilities.

I read the amendment at this point:

"To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analyses of such information by such agency.

"That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"'(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information.

"'(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access.'"

The bill would, as a matter of law, make available to the Congress, through its appropriate committees, the same intelligence, conclusions, facts, and analyses that are now available to the executive branch. At the present time, the intelligence information and analyses developed by the CIA and other intelligence agencies of the Government are available only to the executive as a matter of law. This bill would not, in any way, affect the activities of the CIA, its sources or methods, nor would it diminish in any respect the authority of already existing committees and oversight groups, which supervise the intelligence collection activities of the Government. My bill is concerned only with the end result—the facts and analyses of facts. It would, of course, in no way inhibit the use by the Congress of analyses and information from sources outside the Government. It is obvious that; with the addition of intelligence facts and their analyses, the Congress would be in a much better position to make judgments from a much more informed and broader perspective than is now possible.

The National Security Act of 1947 marked a major reorganization of the executive branch. This reorganization made it possible for the executive branch to assume more effectively the responsibilities of the United States in world affairs and the maintenance of our own national security. The National Security Act of 1947 created the Department of Defense and the unified services as we now know them.

Section 102 of the National Security Act of 1947, established the Central Intelligence Agency under a Director and Deputy Director, appointed by the President, by and with the advice and consent of the Senate. Under the direction of the National Security Council, it was directed to advise the National Security Council on matters relating to national security and "to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities."

The language does not specifically bar the dissemination of intelligence to the Congress, but it does not provide that Congress shall be informed as a matter of law.

I ask unanimous consent that "Title I—Coordination for National Security," sections 101 and 102, be printed in the RECORD at this point in my remarks.

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## TITLE I—COORDINATION FOR NATIONAL SECURITY

### NATIONAL SECURITY COUNCIL

SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of the President; the Secretary of State; the Secretary of Defense, appointed under section 202; the Secretary of the Army, referred to in section 205; the Secretary of the Navy; the Secretary of the Air Force, appointed under section 207; the Chairman of the National Security Resources Board, appointed under section 103; and such of the following named officers as the President may designate from time to time: The Secretaries of the executive departments, the Chairman of the Munitions Board appointed under section 213, and the Chairman of the Research and Development Board appointed under section 214; but no such additional member shall be designated until the advice and consent of the Senate has been given to his appointment to the office the holding of which authorizes his designation as a member of the Council.

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the Unted States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it seems appropriate or as the President may require.

### CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment of the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which $14,000 exceeds the amount of his annual military pay and allowances.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1942 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as related to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such

intelligence within the Government using where appropriate existing agencies and facilities: *Provided,* That the Agency shall have no police, subpena, law-enforcement powers, or internal-security functions: *Provided further,* That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further,* That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however,* That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

Mr. COOPER. The Congress has yet to fully organize itself to meet its responsibilities for foreign policy and national security. By following the general pattern taken by the executive branch in the National Security Act of 1947, the bill would enable the Congress to be better able to share with the executive its constitutional responsibilities in the making of our national security policies—policies for national security founded upon a proper ordering of priorities between our domestic and foreign policy needs.

The question of the security of classified information is important. To meet this issue, under my proposed bill, legislators and those members of Senate and congressional staffs working on national security matters would be subject to similar security requirements as those levied on the executive. Members of the Legislative branch should have the responsibility to maintain security as well as access to intelligence.

In this way, by making the best intelligence information available to both the legislative and the executive, the respective capabilities for reasoned judgments of both branches of Government, deemed so necessary by the framers of the Constitution to prevent authoriarian rule by either branch, can be strengthened. Experience has underlined this necessary provision for the legislature to meet its constitutional responsibilities.

In the Nation's interest it will make basic intelligence required for sound national security policy available to both the executive and the legislative, and it will do much to strengthen the balance of responsibility for foreign and security policy formulation between the two branches. It will help, I believe, to correct the present imbalances in our governmental structure and be of great assistance in developing the best possible foreign and national security policies. The bill does not touch directly upon the difficult constitutional questions which have recently been under consideration by the United States Supreme Court but, indirectly, if enacted into law, it would result, I believe, in much declassification of information for the Congress and the public as a whole.

At this point, I would interpolate that some members of the Supreme Court, in their separate opinions, pointed out that it was the responsibility of Congress to legislate in this field, and to provide standards. I think this measure follows that suggestion.

I ask unanimous consent that this bill be referred jointly to the Committees on Foreign Relations and Armed Services.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SYMINGTON. Mr. President, I would hope that the Senate will give serious consideration to this legislation as proposed by the distinguished Senator from Kentucky. The able Senator has long been interested in this subject of adequate intelligence information being received by the Senate prior to its authorization and appropriation of taxpayers funds so as to carry on with our various activities all over the world.

No secret has been made of the fact that for some time we on such committees as Foreign Relations and Armed Services have not been satisfied with intelligence information we have been able to obtain.

May I add that it is a refreshing experience to serve on the Joint Atomic Energy Committee, where, under the law, it is the responsibility of the Atomic Energy Commission to keep the Joint Committee informed. The Committee does not have to go after the information because the information is volunteered.

Based on this rapidly changing world some new procedure could only be to the advantage of the country. Does not the Senator agree that under his proposed legislation, there would be more opportunity to obtain far more pertinent information?

Mr. COOPER. Yes, I wholly agree with the statement of the distinguished Senator from Missouri, who is in a unique position, with his responsibilities as the only member of the Senate who serves upon the Armed Services Committee, the Committee on Foreign Relations, and the Joint Committee on Atomic Energy, of having had the opportunity to compare the intelligence received by the three committees.

Also, I might say that the amendment which I have offered today grew out, in great measure, of the experience which I have had in serving on the Senator's subcommittee of the Committee on Foreign Relations to reviewing our commitments around the world. In the course of that investigation, wherein the Senator has so ably served as chairman, we found numerous commitments or quasi-commitments throughout the world which might not have been undertaken if full information had been made available to the Congress at the time. I think the Senator will agree with my statement.

Mr. SYMINGTON. No question about it.

Mr. COOPER. I would like to make this further comment: This amendment does not attempt to reach directly the larger constitutional questions which have recently been before the Supreme Court concerning information which shall be made available to the country as a whole. As I analyzed, as best I could, the holding of the Supreme Court, a majority of the members held that there is some limitation upon the first amendment with respect to national security. Some Justices called attention to the lack of standards, and suggested that Congress should act.

I have offered this amendment, not to attempt to deal primarily with that larger problem, but to deal with the specific problem of providing information to Congress, and particularly the appropriate committees—the Armed Services Committee in both bodies, the House Foreign Affairs Committee and the Senate Foreign Relations Committee, which deal with foreign policy and with national security policy, and which must recommend to the House and Senate, measures which commit our resources and in some cases our men, to war. It seems to be absolutely essential, that Congress have the facts—the best intelligence, when it is called upon to act.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, would the distinguished Senator from Kentucky yield to me the remainder of his time so I could suggest the absence of a quorum?

Mr. COOPER. I am very happy to do so.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 15 minutes with a limitation of 3 minutes on each Senator to be recognized.

The Chair recognizes the Senator from Indiana.

## SENATE JOINT RESOLUTION 150—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

(Read the first time; second reading objected to.)

Mr. BAYH. Mr. President, I send to the desk a joint resolution and ask unanimous consent that it be read twice.

Mr. ERVIN. Mr. President, I do not object to the Senator's sending the joint resolution to the desk and having it read the first time. As I understand it, the Senator has a right to send the joint resolution to the desk. However, I do object to its being read twice. I object to any further proceedings beyond the first reading.

The PRESIDING OFFICER. Does the Senator from North Carolina object to the first reading?

Mr. ERVIN. I do not object to the first reading.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, the Senator from Indiana has a right under the Senate rules—at least, the power, I will put it, under the Senate rules—to send a proposed joint resolution to the desk and, as I understand it, it is automatically read the first time.

The PRESIDING OFFICER. The Senator has a right to introduce it and have it read a first time, notice having been given yesterday of his intention to introduce such a joint resolution.

Mr. ERVIN. And it automatically undergoes first reading, I am told, under the Senate rules. I do not object to that. However, I do object to anything beyond sending it to the desk and the automatic first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution the first time.

The legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH) introduces a joint resolution as follows:

"A Senate joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

Mr. ERVIN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, as I understand it, since I have interposed an objection to going beyond first reading, this matter will automatically go over until the next legislative day, which would be on reconvening of the Congress after the recess.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, if I may proceed, I understand I have the normal morning hour time.

The PRESIDING OFFICER. The Senator from Indiana has 3 minutes.

Mr. BAYH. Mr. President, today I am taking an action which all my colleagues know is unusual, a step which I take only with the greatest reluctance. Today, on behalf of myself, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. TUNNEY). I am reintroducing the equal rights amendment, but I am taking action to make sure that this version of the amendment will not be referred so that it can die in committee; I will insist that it be placed immediately on the calendar pursuant to the provisions of rule 14.4. I realize this is not the normal procedure. I also realize that this maneuver circumvents the committee system. Of course, this body would soon be crippled in the absence of a committee system. But despite its advantages, the committee system is not without drawbacks. At times it can cause unnecessary delay; sometimes it enables a small group of men to thwart the will of a majority of this body.

While I firmly believe that in all but the most unusual circumstances, no bill should be considered until it has been studied by, and reported out of the relevant committee, I believe just as firmly that this bill should not be sent to committee. And in making this statement, I recognize explicitly that I am trying to avoid my own Constitutional Amendments Subcommittee.

Mr. President, I would like to explain in further detail just why I believe further committee action on the proposal is unwarranted.

First, there has been an exceedingly thorough and complete study of this proposal by the Congress. The amendment has been before the Congress for 48 years. It has been debated and studied many times. In the interest of brevity, I will recap only the most recent efforts. Slightly over a year ago my Constitutional Amendments Subcommittee held 3 days of hearings. We heard 42 witnesses, received 75 statements and insertions of additional material from other persons, and compiled a hearing record of 393 pages. This I believe would have been sufficient committee study. But there was more. Last August 10 the subcommittee met in executive session, debated the amendment, and ordered it reported favorably to the full committee. From there it would normally have been reported to the Senate floor. But due to the efforts of one member of the committee—who had totally ignored our earlier hearings—the full committee voted, despite my strong opposition, to hold its own, further set of hearings. I said then and I will repeat now that to my mind this action, which was almost without precedent, was a waste of legislative time and resources.

After the full committee finished 4 days and almost 500 pages of additional hearings, it never was allowed to come to a vote on the issue. Instead we debated the House passed amendment on the floor of the Senate for more than 2 weeks last fall. Even if there had been no hearings, that debate would have given each member a chance to form his own opinion as to the merits of the proposal.

This spring the House of Representatives also conducted hearings on the amendment, giving full and fair consideration to both sides. They held 6 days of sessions, listened to 31 witnesses, and received for the record 78 additional insertions of statement and related materials, for a total hearing record of over 720 pages. The same proposal has been before us and the subject of committee and floor consideration for 48 years now. We have had three sets of hearings in the last 15 months. This measure has already been debated in both Houses and once passed by the other body. I believe this history provides solid support for my assertion that further committee study is totally unnecessary.

I would not, however, be about to take this drastic step of attempting to avoid the committee structure were it not for the consistent and repeated pattern of deliberate delay which I have been faced with during the past 12 months. I have already recounted the stories of delay caused by needless hearings requested by a member who had never attended those conducted by a subcommittee he served on. This year, the problem has been even worse. On March 2, 1971, the subcommittee met and reported out the joint resolution proposing to lower the voting age to 18. At that time I asked the members if they would not also be willing to consider the equal rights amendment. They refused even to discuss it. I called another meeting for June 4. Only one other Senator showed up.

I do want to point out that the members did not fail to show up because they were out of town. The meeting was purposely scheduled at an early hour so there would be no other committee meetings conflicting. Immediately upon leaving my 9:30 meeting I went across the street to a 10 a.m. meeting of another Judiciary Subcommittee. Needless to say, I was somewhat surprised to see present at that committee meeting five of the six Senators needed to form a quorum at my constitutional amendments meeting. Still willing to believe that the members would at least meet to discuss this issue, I called a meeting for the end of July. Five members—an all-time high—showed up. At that time, I announced that I would hold one last meeting. That meeting took place yesterday. We did get a quorum but took no action because one member exercised his rights under the Judiciary Committee's rules and refused to let us come to any kind of a vote.

Mr. President, this has not happened by accident. Yesterday's filibuster tactics make it clear that at least one member of the Subcommittee on Constitutional Amendments is bound and determined—and fully able—to hold up progress on this proposal yet again. I think I have presented a picture of delay and obstruction on the part of a very few Senators, delay and obstruction paralleled only in the history of this amendment in earlier Congresses. The only way to avoid this delay and finally give the women of the country what they have deserved for so very long—a vote on the merits—is to place this measure on the calendar to be brought up at an appropriate time.

Mr. President, I deeply regret having been forced to subvert the normal Senate procedure. But as the majority leader showed last fall by refusing to allow the House-passed amendment to go to committee for burial, and insisting that it be placed on the calendar, there are times and circumstances which justify this type of unusual procedure. These times and circumstances are rare, but I firmly believe that they are presented here and now.

Mr. President, I do this with great reluctance, because of the importance of having this issue come before the Senate, and because of the tactics which have been resorted to in order to prevent the matter from ever seeing the light of day.

The matter before us is a constitutional amendment which would give all citizens equal rights under the law. It has been the subject of discussion for nearly 48 years. It has been the subject