

During his 5 years as a member of the Court of Appeals for the Seventh Circuit, he has demonstrated his judicial fitness and temperament. His professional qualifications are unquestioned by those who have had contact with Judge Stevens or have studied his remarkable record of accomplishment. His personal integrity, as reflected in his financial statements and income tax returns, is of the highest order.

The intellectual capability of Judge Stevens is unchallenged. He has written more than 200 opinions as a member of the court of appeals. Those opinions, according to legal scholars who studied them in depth, illustrate the soundness of his reasoning, and his legal essays reveal a clarity and precision which highlights his competence. Beyond this, his writings indicate a depth of comprehension of antitrust matters which will prove of tremendous value in the future as the legal system is required to cope with our extremely complicated economic structure.

As chairman of the Subcommittee on Constitutional Rights of the Judiciary Committee, I have been dedicated to the task of assuring that the fundamental rights guaranteed to all citizens by the Constitution shall be preserved. Necessary to this endeavor is the full extension of such rights to groups in our society who traditionally have not enjoyed their benefits. In this regard, Judge Stevens, in his opinions in *Sprogis v. United Airlines, Inc.* (444 F. 2d 1194, 7th Cir. 1971) and *Doe v. Bellin Memorial Hospital* (479 F. 2d 756, 7th Cir. 1974) developed what can be construed as insensitivity to the struggle by women for full equality. In addition, his statements in the hearings on the equal rights amendment concern me because he seemed unfamiliar with both recent case law on equal protection of women under the 14th amendment, and the considerable public discussion justifying the need for a constitutional amendment.

When Justice Douglas resigned, I called on the President to nominate someone of his distinction and stature. In my view, several women were well qualified for the nomination, and it is certainly true that women are underrepresented on Federal and State courts at all levels. The President did not choose a woman, and after careful review of this nominee's record on women's issues, I must conclude that he is fair although not conspicuously compassionate about the needs of a majority of our population.

I fervently hope that he will retain, during his tenure on the Court, the memory of the two great Justices who have preceded him in this seat, Mr. Justice Brandeis and Mr. Justice Douglas, and that he will strive, with sensitivity and compassion, as they so gallantly did, to preserve and protect inviolate the fundamental rights of all Americans.

The ACTING PRESIDENT pro tempore. All time has expired.

Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to vote on the nomination of Mr. John P. Stevens to be an Associate Justice of the U.S. Supreme Court.

The question is, Will the Senate advise

and consent to the nomination of John P. Stevens to be an Associate Justice of the U.S. Supreme Court? The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

I also announce that the Senator from Alabama (Mr. ALLEN) is absent because of illness.

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 603 Ex.]

TEAS—98

Abourezk	Gravel	Moss
Baker	Griffin	Muskie
Bartlett	Kansen	Nelson
Beall	Hart, Gary	Nunn
Bellmon	Hart, Philip A.	Packwood
Bentsen	Hartke	Pastore
Biden	Haskell	Pearson
Brock	Hatfield	Pell
Brooke	Hathaway	Percy
Buckley	Helms	Proxmire
Bumpers	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd	Huddleston	Roth
Harry P., Jr.	Humphrey	Schweiker
Byrd, Robert C.	Inouye	Scott, Hugh
Cannon	Jackson	Scott,
Case	Javits	William L.
Chiles	Johnston	Sparkman
Church	Kennedy	Stafford
Clark	Laxalt	Stennis
Cranston	Leahy	Stevens
Culver	Long	Stevenson
Curtis	Magnuson	Stone
Dole	Mansfield	Symington
Domenici	Mathias	Taft
Durkin	McClellan	Talmadge
Eagleton	McClure	Thurmond
Eastland	McGee	Tower
Fannin	McGovern	Tunney
Fong	McIntyre	Weicker
Ford	Metcalf	Williams
Garn	Mondale	Young
Glenn	Montoya	
Goldwater	Morgan	

NAYS—0

NOT VOTING—2

Allen Bayh

The ACTING PRESIDENT pro tempore. On this vote the yeas are 98, the nays are 0. The nomination is confirmed.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

The Senate resumed the consideration of legislative business.

#### SENATE JOINT RESOLUTION 153— EXTENDING THE FILING DATE OF THE 1976 JOINT ECONOMIC COM- MITTEE REPORT

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration. I do so on behalf of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. President, I offer this resolution at the request of the White House. It would permit the President to delay for 6 days his submission of his 1976 Economic Report as required under the Employment

Act of 1946. The resolution would also authorize a corresponding delay in the report of the Joint Economic Committee on the President's report. The resolution has been agreed to by the chairman of the Joint Economic Committee and is agreeable to the minority.

The ACTING PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 153) was read the first time by title, and the second time at length, as follows:

SENATE JOINT RESOLUTION 153

EXTENDING THE FILING DATE OF THE 1976 JOINT ECONOMIC COMMITTEE REPORT

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding the provisions of section 3 (a) of the Employment Act of 1946 (15 U.S.C. 1022(a)), the President shall transmit the 1976 Economic Report to the Congress not later than January 26, 1976, and (b) notwithstanding the provisions of clause (3) of section 5(b) of such Act (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's 1976 Economic Report with the Senate and the House of Representatives not later than March 19, 1976.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 153) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

#### LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1975—CONFERENCE RE- PORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 5247, which will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5247) to authorize a local public works capital development and investment program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. The time on this conference report is limited to 5 minutes, to be equally divided and controlled by the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Tennessee (Mr. BAKER).

The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the able Senator from New Mexico (Mr. MONTOYA) serves as chairman of the Subcommittee on Economic Development of the Senate Public Works Committee. It is my desire that in the handling of the conference report, the time be turned to the disposition of the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BAKER. Will the Senator yield for a brief moment?