

1 Does the Committee Chairman want to comment?

2 DR. BARD: My only comment would be I think our
3 Committee would accept this in full. I second the motion.

4 MR. SCANLAN: I'm not sure your entire Committee
5 would accept it.

6 DR. BARD: Well, I would.

7 MR. SCANLAN: I want to say if we pass this, we
8 are constitutionally curtailing the investigative power,
9 because I think the discussions discussing the question of
10 germaneness don't put germaneness on a more narrow basis as
11 in this case here, if the Amendment passes. In other words,
12 if the subject matter that the Legislature is investigating
13 could reasonably be thought one that could give rise to
14 legislation, I don't think any Court has ever imposed the
15 requirement that there be pending at the time a specific
16 piece of legislation.

17 Now, I know and I'm aware of the abuses of the
18 legislative investigatory power, not only on the Federal
19 level, but on the State level, and I'm in general sympathy
20 with an attempt to prevent that. I think there is enough
21 protection in the due process clause of the First