the juries in the States with the right of review, by the Supreme Court of the United States at any time. It is felt and a defendant feels that he has not been adequately protected by his State courts in his motions he might make, showing discrimination on account of any of these matters in the selection of a jury.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes. I yield to the gentlewoman.

Mrs. GRIFFITHS. I hope you make it quite clear that the Supreme Court of the United States has been repeatedly asked to protect the right of a woman defendant or a woman litigant by having women jurors and it has never granted that right.

Mr. DOWDY. Under the words of my amendment that is protected. If you think your amendment does more——

Mrs. GRIFFITHS. I would like to make it clear, further, that I think this House is saying now and that this House has said in the past few years and has kept on saying to the Supreme Court of the United States and to all of the people that women should be protected equally under the Constitution of the United States.

Mr. DOWDY. The gentlewoman knows that I have supported this proposition every time it has come up here in the House, and I intend to continue to do it.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is like so many we have heard and will hear over the next, I hope, no more than 4 days. It will completely destroy the purpose of title II.

Mr. Chairman, title II is designed to do away with racial discrimination in the selection of juries in State court cases. The effects of such racial discrimination are manyfold. It prevents the administration of justice as anticipated by our system.

First, Mr. Chairman, this amendment would remove the remedy which we provide for a litigant to discover the method of racial discrimination. That right of discovery would be torn from this bill.

Second. If adopted, it would remove from the court the ability to appoint a master to oversee the selection of juries, after such racial discrimination had been established.

Next, it would take away the remedies of the citizen to establish their own right to serve on the jury.

Mr. Chairman, this bill anticipates giving remedies not only to the litigants involved in lawsuits, but to every American citizen who is qualified, and ought to have the right to serve on a jury, regardless of race, or color.

But third, Mr. Chairman, and most devastating of all, this amendment would take away the opportunity of the Attorney General to initiate action in these cases.

The hearings held before the Committee on the Judiciary brought out the fact that time and again a litigant is unable to raise this issue because of the fear of antagonism in the locality in which he is to be tried.

He may well be on trial for his life in a community that looks upon the Negro as being inferior. Is he, or his attorney, going to make the decision to raise this issue at the time of the trial?

I suggest that time and again he will make the decision that as bad as an all-white jury may be for him, for him to raise this issue would be worse.

So, Mr. Chairman, if we take away from the Attorney General the right to raise this issue we take away the right where it is most important that the United States be represented—that is, where racial discrimination has had the most effect upon the administration of justice.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. Yes; I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I have tried many cases for the prosecution, although I have not defended too many defendants, but when a man comes into court with a colored client he can raise this issue and, at least as far as I am concerned, it would be well for the court to overrule it and go to trial by jury, because he is likely to obtain an acquittal. If he did not obtain an acquittal he can go to the court of appeals in the State of Texas and obtain a new trial.

Mr. Chairman, did I understand the gentleman from California to say that every person in every State is going to have a right under the provisions of this bill as written to sue someone if he is not selected or chosen on a jury?

Mr. CORMAN. No, sir; I did not say that at all.

Mr. DOWDY. I understood the gentleman from California to say that.

Mr. CORMAN. I said that a man has a right to serve on the jury, regardless of his color.

Mr. DOWDY. Mr. Chairman, if the gentleman will yield further, who is he going to sue, if he does not get chosen on a jury?

Mr. CORMAN. Well, if the person selecting the jury removes Negroes consistently, then there is provision for the appointment of a master so that all people may be afforded the same rights regardless of race or color.

Mr. DOWDY. If one is excluded from the jury now—we get down to the point again that every time these amendments come up, especially with reference to the ones that I have offered, and there are others, we get some of this "dust" throwing, and it reminds me a great deal about "cats in a sandpile."

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. At the present time, under title IV, section 1983, you have a right to go into Federal court and testify as to whether or not you have been discriminated against in the selection of jurors.

Mr. Chairman, the objective of this title II is to give the authority to the Attorney General to make sure that the discrimination is not exercised in the State courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

Mr. MACKAY. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. DAWSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAWSON. Mr. Chairman, the four civil rights laws which were enacted by the Congress since 1957 have greatly aided our continuing fight to achieve equal rights for all of our citizens. The outlawing of discrimination in places of public accommodation, in employment, in voting, and in the use of Federal funds, are important and far-reaching legislative accomplishments.

Under these laws, our Nation is making substantial progress toward fulfilling its constitutional promise of equal opportunity for all. But this progress has not been enough to overcome the accumulated effects of the long years of racial discrimination. The discriminations and indignities still borne by millions of Negroes—and other minorities—continue to negate the basic principles of equality, liberty and justice for all, which form the moral fiber of our country's existence.

H.R. 14765, the civil rights bill which we are now considering, is intended to cover some of the areas of discrimination which were either inadequately treated, or were not treated at all, in the civil rights legislation of 1957, 1960, 1964, and 1965. For, as President Johnson noted in his message to the Congress on April 28:

> Discriminatory practices still exist in many American cities. They deny the Negro his rights as a citizen. They must be ended.

As originally drafted by the Justice Department, the 1966 civil rights bill was designed to: first, ban discrimination in the selection of Federal and State juries; second, prohibit discrimination in the sale or rental of housing; third, provide methods and penalties for preventing violence and intimidation against Negroes, civil rights workers, and others in the exercise of their constitutional rights; and fourth, strengthen the authority of the Attorney General in seeking court action, through civil injunctions, to speed desegregation of public schools, colleges and public facilities.

The House Judiciary Committee's revision of the bill has strengthened the bill in several ways, and I applaud the committee members for their diligence and dedication to their purpose of advancing the cause of civil rights. I shall support the bill, but I also believe that we ought to strengthen it further in at least three or four matters.

Title II is designed to prevent discrimination based on race, color, religion, sex, national origin, or economic status, in the selection of juries in State courts. However, title II does not contain the same guarantees as are present in title

I which hits at discrimination in selecting juries in the Federal courts. Thus, title I states that litigants in Federal jury cases "shall have the right to a jury selected from a cross section of the community," but no such language is present in title II with respect to juries in State courts. Furthermore, title I declares that all qualified persons "shall have an obligation to serve as jurors when summoned for that purpose," and its clear specification of those who may be exempted or excused from jury service plainly forbids discrimination based on race, color, religion, sex, national origin or economic status. These guarantees are also missing in title II.

It is my belief, Mr. Chairman, that title II could better accomplish its purpose of getting nondiscriminatory State juries if it is strengthened by the following two amendments, which I urge the House to adopt:

First, I recommend the inclusion of a mechanism which would automatically invoke the nondiscriminatory selection of State court juries, whenever there is statistical evidence that the percentage of Negroes, women, or other discriminated groups who actually serve on juries is markedly less than would result from a fair selection of a cross section of the eligible persons in the community. Experience has shown that the method of case-by-case litigation, which is what title II would basically provide for redressing discrimination in jury selection, is cumbersome and ineffective.

Second, I hope the House will adopt Congresswoman GRIFFITH'S amendment to strengthen title II with respect to ending sex discrimination in State jury selection and service. Title I will do this with respect to Federal juries. I see no justification for not doing the same with respect to State juries. Injustice to a litigant as a result of discrimination in the selection of a jury is invidious whether it occurs in a State court or in a Federal court.

I especially commend the Judiciary Committee for including title III, which authorizes the Attorney General to institute civil actions against any person whose actions would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of his race, color, religion, or national origin.

The most controversial part of the bill, and a very important part of it indeed, is title IV, which is aimed at preventing discrimination because of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing.

The bill as recommended by the President would have included the sale and rental of single-family homes. However, the committee amended the bill so as to exempt single-family houses and apartment houses of four apartments or less in which one of the units is occupied by the owner.

In its present form, this title would exempt about two-thirds of our existing housing. It would exempt most of the housing in our Nation's suburbs. It would mean that some 20 million Americans would continue to be ghettoized in the slums of our cities. Such a limited attack on segregated housing will do less than needs to be done for the desperate housing needs of our Nation's Negro people. It will do little to stem the growing racial stratification of our major cities and the growing community unrest which results from the degraded housing in their slum cores.

"The truly insufferable cost of imprisoning the Negro in the slums," President Johnson has said, "is borne by our national conscience."

Mr. Chairman, I would much prefer that title IV be applicable to the sale or rental of single-family dwellings, as it did in the bill originally submitted by the Justice Department.

However, if we are unable to gather the votes for such broader coverage, the very least we should do is to make absolutely certain that the real estate industry, through its brokers, salesmen, and agents, are prohibited from doing their business on a discriminatory basis. If we must continue to permit discrimination by owners of single-family houses, let us at least insist that they cannot do so through the mechanism of the real estate industry.

I also urge that the House approve the committee's provision for a Fair Housing Board to enforce title IV. The experience of the past decade conclusively shows that an administrative agency can advance civil rights more effectively than can case-by-case litigation in the courts.

One of the most important parts of H.R. 14765 is title V, which is designed to punish violence or intimidation because of race, color, religion, or national origin, against any person—including Negroes and civil rights workers—who is engaged or attempting to engage in voting, public education, use of programs financed by the Federal or State Government, employment, housing, jury service, travel, or use of public accommodations.

The committee, however, has added a seemingly innocuous word "lawfully"—which limits the protection of title V to those who are "lawfully" engaging or seeking to engage in the exercise of their legal and constitutional rights. This single word would seriously jeopardize the effectiveness of the entire title. A recent editorial in the New York Times said, with penetrating logic:

> Because a man is jaywalking, should he be tear gassed? Because a man is "trespassing" on public property, should he be beaten with nightsticks or set upon by police dogs? It was precisely to prevent such violence, much of it committed under the thin color of legality, that Title V was drafted.

Title VI will eliminate two conditions—that an individual file a written complaint and that local residents are unable to bear the burden of litigation—before the Federal Government may bring suit to end racial discrimination in schools and public facilities. The Attorney General already has authority, without such restrictions, to initiate suits to end racial discrimination in voting, employment, and public accommodations.

As an American who is deeply troubled by the national hurt and humiliation resulting from the deprivation of constitutional rights which belong to all of us, I hope the House will approve the strongest possible bill to accomplish the objectives of this legislation. I urge you to do so because it is morally right, because it is just, and because it is needed to give full and true meaning to the constitutional guarantees against discrimination.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 54, line 19, through page 57, line 19, strike out section 204.

Mr. WHITENER. Mr. Chairman, title II is the worst title in the bill. It constitutes an unwarranted invasion of the jurisdiction of the several States by the Federal Government. Had this been proposed 6 years ago, it could not have gotten off the ground. But now we apparently have retrogressed constitutionally to the point that most anything is acceptable in the name of "civil rights."

This title in toto involves an interference with a basic jurisdiction reserved to the States by the U.S. Constitution.

Section 204, to which my amendment is addressed, is particularly offensive, I think, to the Constitution. But, first let me say this, that if you will note the language and the real premise of titles I and II, you will find that it relates to areas not referred to in the Constitution of the United States.

There is nothing in the Constitution of the United States which says anything other than you cannot discriminate on the grounds of race, color, religion, or previous condition of servitude. But here we have extended this constitutional doctrine—at least some of my brethren have—to include sex, economic status, and other propositions.

When we consider section 204—and my friend from Colorado mentioned something about a statute, I contend that it is elementary that even in the absence of a statute under our judicial system [illegible] if there has been any improper conduct in the selection of a jury, a writ of error coram nobis has always been available under English law and under the accepted law of our land. Also, a writ of habeas corpus is available so you do not need any statute to aid you where there has been a systematic exclusion from jury service of a particular class of the people, as our courts have consistently held in the case of Negro citizens.

This, I think, was forcibly stated by the Supreme Court in the Scottsboro cases from down in Alabama.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of