

as the section itself specifies that for purposes of investigation the Secretary shall have and for purposes of hearings the Board shall have the same powers as are provided for the National Labor Relations Board. Now anyone who has had any knowledge of or experience with the National Labor Relations Board recognizes that these powers are broad and generally final and conclusive. Penalties for violation of its orders may result in fines and also imprisonment as in the case of a failure to pay a fine or for being in contempt of court.

Of course, there was no need to establish the procedure for adjudication of fair housing problems by the court if it was the intent to establish an administrative agency with plenary powers such as are granted to the Fair Housing Board. Even in the case of an appeal from the Fair Housing Board, the court would be required to base its appeal on the record made before the Fair Housing Board and not on the basis of a trial before the court as contemplated in sections 406 and 407 of the bill.

The court procedures which are provided in section 406 authorize a party to file a complaint and to be represented by an attorney. No such corresponding authority is afforded with regard to the Fair Housing Board provisions. Indeed, the Secretary may initiate a proceeding on his own behalf without the benefit of any complaining party.

The legal proceedings which are authorized in section 406 are required to be brought within a period of 6 months after the alleged discriminatory act complained of. But enforcement by the Fair Housing Board of any alleged discrimination could be brought at any time as the provisions of that section are drafted. Presumably a 6-month statute of limitations would apply also by reason of the reference to the National Labor Relations Act.

Mr. Chairman, in seeking the objectives of title IV it seems clear that we should do at the national level only what is required to be done. That, in essence, was the purpose of the earlier amendment which I offered to the Committee. Clearly the authorization for a Fair Housing Board duplicates the existing provisions for judicial determination. It also duplicates—indeed, supersedes—the authority of all State courts and administrative agencies concerned with assuring fair housing without discrimination due to race, color, religion, or national origin.

I urge the adoption of the amendment which I have offered for the striking of the provisions to create a Fair Housing Board in title IV of this legislation.

Mr. Chairman, I urge earnestly the adoption of this amendment which I have offered for the striking of the provision to create a Federal Housing Board in title IV of this legislation.

Mr. ASHMORE. Mr. Chairman, I would like to ask the gentleman from Illinois to yield, if he has any time remaining.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

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

Mr. Chairman, my distinguished colleague, with whom I serve on the Committee on the Judiciary, has made a number of statements about the Fair Housing Board, which for the benefit of all the Members present require some comment.

First of all Mr. Chairman, I would like to insert at this point in the RECORD a series of questions and answers which I have prepared regarding section 408.

QUESTIONS AND ANSWERS CONCERNING THE FAIR HOUSING BOARD ESTABLISHED BY SECTION 408

(Prepared by Congressman JOHN CONYERS, Jr.)

Just what does section 408 provide? It establishes an administrative process to handle complaints of housing discrimination, modeled after the procedures of the National Labor Relations Board in resolving labor disputes. The functions of investigating and conciliating complaints would be given to the Secretary of Housing and Urban Development instead of being handled by the Board itself. Why do we need such an administrative process?

Experience with comparable State and local agencies repeatedly has shown that the administrative process is quicker and fairer. It more quickly implements the rights of the person discriminated against and also quickly resolves frivolous and otherwise invalid complaints. Conciliation is easier in an informal administrative procedure than in the formal judicial process. Also individual court suits would place a greater burden of expense, time and effort on not only the plaintiff but on all other parties involved, including the seller, broker and mortgage financier, and on the judicial system itself.

How would someone bring a complaint before the Fair Housing Board?

All complaints would have to be filed with the Secretary of Housing and Urban Development. He would investigate complaints, dismiss those without merit and attempt conciliation of valid complaints. Only after all attempts at conciliation had failed, would the Secretary file an official complaint with the Fair Housing Board.

Is there a time limit on filing complaints?

Yes. Six months. The bill provides a six-month limit for initiating court suits alleging housing discrimination. The same limit applies to complaints filed with the Secretary of HUD since the incorporated procedures of the NLRB include a six-month limitation.

Could someone gain double relief by both initiating a court suit and filing a complaint with the Secretary of HUD?

No. The courts can stay any court suit pending disposition of any case by the Federal administrative process which would be the normal and expected procedure. The courts could keep jurisdiction as protection against slowness on the part of either the Secretary or the Fair Housing Board. Delay might work against the interests of either the person alleging or accused of discrimination. Though the Board could provide injunctive relief, only the courts, with the required participation of a jury, could award monetary damages.

What provision is there for conciliation?

Following the practice of the General Counsel of the National Labor Relations Board, the Secretary of HUD would attempt to settle all cases through conciliation. The Secretary would attempt to resolve valid complaints both through his own representatives and, under section 409, with the cooperation of all the various private and local, State and

Federal agencies involved in programs to prevent and eliminate discriminatory housing practices.

Will most cases be resolved without recourse to the Fair Housing Board?

More than 90% of all complaints filed with the NLRB annually are either dismissed, withdrawn or resolved through conciliation. Only 6.2% of all NLRB cases ever go to the Board. Experience with State agencies comparable to the Federal Fair Housing Board is quite similar.

How would the Board handle complaints and what are its powers?

After a hearing in which the rights of all parties would be protected by the usual procedures of a quasi-judicial agency, the Board can issue cease and desist orders which are reviewed and enforced by the Federal Circuit Courts of Appeal. Following the practice of the National Labor Relations Board, monetary damages would not be awarded by the Fair Housing Board.

What precedents are there for such an administrative process?

Sixteen out of the seventeen States with fair housing laws relating to private housing have administrative agencies with comparable powers. The Equal Employment Act of 1966 gives the Equal Employment Opportunities Commission the same authority and procedures regarding job discrimination that this section provides the Fair Housing Board regarding housing discrimination. Just three months ago the House of Representatives passed that bill by the overwhelming vote of 299 to 94, with wide bipartisan support.

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

The CHAIRMAN. The Chair will count. [The Chair counting.]

Mr. MINSHALL. Mr. Chairman, I ask unanimous consent to withdraw my point of order.

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

There was no objection.

The CHAIRMAN. The gentleman from Michigan may proceed.

Mr. McCLODY. Mr. Chairman, will the gentleman from Michigan yield to me for a moment?

Mr. CONYERS. Mr. Chairman, before yielding I would like to reply to some of the statements which the gentleman from Illinois has already made.

Mr. Chairman, first of all this Fair Housing Board provision was extensively considered during the public hearings held on this bill. The hearings were held before Subcommittee No. 5 of the House Judiciary Committee. Though I am not a member of that subcommittee, I was privileged to attend some of those hearings.

Now, Mr. Chairman, with reference to the fact that the administration wanted—

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

Mr. CONYERS. Yes, I yield to the gentleman from Illinois.

Mr. McCLODY. I have searched the records and I have not been able to find any hearings on that subject.

Mr. CONYERS. I did not say that there were hearings held on just this particular proposal. What I said was that this proposal, incorporated in ex-

actly the language I offered as an amendment during the executive session of the Judiciary Committee, was supported and discussed by a great many of the witnesses who testified before Subcommittee No. 5. At this point I would like to insert in the RECORD a list of the more than 35 groups which specifically supported inclusion of a fair housing board provision in title IV in their testimony before Subcommittee No. 5:

GROUPS SPECIFICALLY SUPPORTING INCLUSION OF FAIR HOUSING BOARD PROVISION IN TITLE IV OF 1966 CIVIL RIGHTS BILL IN THEIR TESTIMONY BEFORE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE

(Hearings held on May 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 1966)

**I. U.S. COMMISSION ON CIVIL RIGHTS
II. CATHOLIC GROUPS**

The National Catholic Welfare Conference (including): The Social Action Department of the National Catholic Welfare Conference, the National Council of Catholic Men, the National Council of Catholic Women, the National Council of Catholic Youth, the National Federation of Catholic College Students, the National Newman Apostolate, the National CYO Federation.

The National Catholic Conference for Interracial Justice.

The National Catholic Social Action Conference.

The Catholic Interracial Council of Waterbury.

The Christian Family Movement.

III. PROTESTANT GROUPS

The National Council of Churches representing 30 major religious bodies.

Coordinating Committee on Moral and Civil Rights of the International Convention of Christian Churches.

National Student Christian Federation.

Protestant Episcopal Church Division of Christian Citizenship.

United Church of Christ, Committee for Racial Justice Now.

United Church of Christ, Council for Christian Social Action.

Young Women's Christian Association.

General Board of Christian Social Concern of the Methodist Church.

IV. JEWISH GROUPS

The Synagogue Council of America representing the Central Conference of American Rabbis, the Rabbinical Assembly of America, the Rabbinical Council of America, the Union of Orthodox Jewish Congregations, the Union of American Hebrew Congregations, the United Synagogue of America.

Anti-Defamation League of B'nai B'rith, American Jewish Committee.

American Jewish Congress.

B'nai B'rith Women.

National Council of Jewish Women.

National Federation of Temple Sisterhoods.

V. LABOR GROUPS

AFL-CIO.

Industrial Union Department of the AFL-CIO.

United Auto Workers—

VI. CIVIL RIGHTS GROUPS

Southern Christian Leadership Conference, NAACP.

Leadership Conference on Civil Rights.

Neighbors, Inc.

VII. OTHER GROUPS

American Newspaper Guild.

American Veterans' Committee.

Japanese-American Citizen's League.

Americans for Democratic Action.

American Civil Liberties Union.

Zeta Phi Beta Sorority.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, there were no hearings held on this subject.

Mr. CONYERS. Mr. Chairman, I can only repeat again that this proposal was extensively considered during the Judiciary Committee's hearings and discussions of the entire 1966 civil rights bill. But certainly there were no hearings held on just this proposal alone.

I believe that the gentleman from Illinois should know that the Attorney General of the United States has spoken publicly about this Fair Housing Board provision. Attorney General Katzenbach testified before the Senate Judiciary subcommittee during hearings specifically devoted to the changes in the 1966 civil rights bill approved by the House Judiciary Committee. He specifically indicated the administration's support for the Fair Housing Board.

At this point I would like to insert in the RECORD the colloquy between Senator ERVIN and Attorney General Katzenbach regarding the Fair Housing Board.

COLLOQUY BEFORE SENATE JUDICIARY SUBCOMMITTEE REGARDING FAIR HOUSING BOARD

Senator ERVIN. Does the administration favor part of the amendment that establishes a Federal so-called Fair Housing Commission?

Mr. KATZENBACH. Yes, I think it is a useful amendment, particularly since part of the other act was changed.

I think we should understand clearly exactly what section 408, providing for the Fair Housing Board, would do for the administration of complaints that might arise under title IV, the fair housing section.

Mr. Chairman, all we are doing is following a very well established pattern in this House. Indeed, I might refer to a bill this House passed just 3 months ago, the Equal Employment Opportunity Act of 1966, which gained the widest margin of approval, 299 to 94, that this House has given to any civil rights bill. That bill, H.R. 10065, known as the Hawkins bill, gives the Equal Employment Opportunity Commission the very same authority and procedures regarding job discrimination that section 408 would give the Fair Housing Board regarding housing discrimination.

You might recall that in the Hawkins bill we gave the Equal Employment Opportunity Commission, which was established by title VII of the 1964 civil rights bill, the authority to issue cease-and-desist orders, enforceable by the Federal Circuit Courts of Appeals, regarding job discrimination on account of race, religion, color, or national origin. That is exactly what we are trying to do regarding housing discrimination by establishing this Federal Fair Housing Board. In addition the Secretary of Housing and Urban Development, with whom all complaints of housing discrimination would be filed, would first attempt to settle all housing discrimination cases by informal methods of conference, conciliation, and persuasion. Only after all attempts at conciliation had failed would he file a formal complaint with the Fair Housing Board.

Mr. Chairman, I would like to have inserted at this point some of the corre-

spondence I have received in support of the establishment of a Fair Housing Board such as that in my amendment. These individuals and groups concur with me in the belief that the best way to deal with complaints of housing discrimination is to provide administrative relief rather than to rely on the slow and burdensome process of litigation.

UNITARIAN UNIVERSALIST ASSOCIATION OF CHURCHES AND FELLOWSHIPS IN NORTH AMERICA,

Boston, Mass., June 24, 1966.

HON. JOHN CONYERS, Jr.,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: The Unitarian Universalist Association of Churches and Fellowships is deeply concerned over the prospects for the fair housing title in the Civil Rights Act of 1966, currently under consideration in the House Committee on the Judiciary.

We wish to urge upon you the necessity for supporting the strongest possible housing title in terms of breadth of coverage and in enforcement procedures.

We are disturbed by reports that efforts will be made to exempt one-family and two-family homes from coverage of the Act. This would constitute a severe blow to the aspirations of those Negro families who are seeking better living conditions, better schools, and more wholesome environments for their children outside the sium ghettos in which they are now forced to live. Arguments of the real estate interests that open-occupancy housing legislation is "forced" housing are patently absurd. The forced housing comes when Negroes and other minority groups are forced to live in segregated neighborhoods in the decaying core of our cities, as you well know!

As a member of the influential House Judiciary Committee your vote is important to save the housing title of this bill from emasculation. We therefore urge you to resist all weakening amendments and to support an amendment which would strengthen enforcement by providing an administrative remedy to avoid long, expensive court proceedings, as many of the states have so provided.

Sincerely,

ROBERT EDWARDS JONES,
Director, Washington Office.

P.S.—Many thanks for your strong efforts in this regard.

THE METHODIST CHURCH,
June 16, 1966.

HON. JOHN CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: Today the Detroit Annual Conference of the Methodist Church passed the following resolution:

"We the delegates at the Detroit Annual Conference, coming from over 500 Methodist Churches in Michigan, urge you to support the civil rights legislation as found in SB 3296 and HR 14765. This would assist in protecting citizens right to trial by jury of their peers, their right to vote, attend any public school, use governmental facilities, have free access to the right to own or rent property, and several other matters without regard to race, color, religion, sex, national origin or economic status.

"We would urge you to strengthen the provision regarding the right to rent or own property to provide for the initiation of administrative enforcement by a federal agency."

Sincerely,

HAROLD A. NESSEL,
Conference Secretary.

COUNCIL OF MICHIGAN YWCAs,
Detroit, Mich., June 16, 1966.

Hon. JOHN CONYERS, JR.,
House Judiciary Committee,
U.S. Congress,
Washington, D.C.

DEAR MR. CONYERS: The Council of Michigan YWCAs wishes to express to you its support of H.R. 14765, the new Civil Rights bill, now before the Congress. We urge you to act favorably on this essential legislation during the present session. We believe all of the following features should be included in the Act:

1. The prevention of discrimination in the selection of state and federal juries.
2. The means for facilitating the desegregation of public school and other facilities.
3. The protections for Negroes and civil rights workers against violence when exercising their constitutional rights.
4. The prohibition of all racial and religious discrimination in the sale and rental of housing. This provision we consider of special importance at the present time.

The Council of Michigan YWCAs also urges you to consider the recommendations of the White House Conference, which is urging a strengthening of H.R. 14765 in a number of ways. Experience has shown that successful administration of civil rights legislation requires strong administrative agencies, as suggested by the Conference.

Very truly yours,

FRANCES E. COBURN,
Chairman, State Public Affairs Committee,
Council of Michigan YWCAs.

ELOISE E. SPENCER,
Executive Secretary, Council of Michigan YWCAs.

TRANSPORT WORKERS
UNION OF AMERICA,
New York, N.Y., July 21, 1966.

DEAR CONGRESSMAN: The Transport Workers Union of America, AFL-CIO, representing 150,000 workers in subways, buses, airlines, railroads, utilities and in the missile space industry, strongly urge the immediate passage of the Civil Rights Act of 1966 (H.R. 14765) without weakening amendments.

We urge the creation of a Fair Housing Board to enforce prohibitions against housing discrimination, more potent federal jury reform including an "automatic trigger" and the tightening of the rights protection clause preventing harassment arrests of civil rights workers. We also call on you to toughen the penalties against bigots who deny Americans their constitutional rights.

Respectfully,

MATTHEW GUINAN,
International President.
DOUGLAS L. MACMAMON,
International Secretary Treasurer.

UNITED STEELWORKERS OF AMERICA,
Pittsburgh, Pa., June 21, 1966.

Hon. JOHN L. CONYERS, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: The Civil Rights Bill currently before your Committee is legislation devised to respond to pressing problems in the movement to overcome racial discrimination. The titles covering the selection of jury members, protection of civil rights workers and more effective enforcement of the public education and public facilities sections of the Civil Rights Act of 1964 by the Attorney General are most necessary. The recent shooting of James Meredith certainly dramatizes the need for such federal protection.

I wish, however, to particularly emphasize the fair housing section. (The elimination of the ghetto is at the heart of any sensible attempt to alleviate the growing pressures in our urban complexes. Residential segregation provides the rationalization for all forms

of subsequent Defacto Segregation in schools, playgrounds, health facilities and other aspects of communal living. Even the possibility of obtaining better job opportunities is seriously curtailed by these residential patterns whereby plants and service facilities are located in one section of a large metropolitan area and minority groups in another without adequate means of public transportation.

As a Union we have always supported the enactment of state and local Fair Housing Ordinances. We are now urging the enactment of a national public policy on the matter. Prejudice in housing is a national problem which our large northern urban and suburban areas must face. The ghetto itself proves to be the boiling pot of civil unrest and violence for the people trapped in its environs and, at the same time, an impenetrable wall due to housing discrimination against escape and individual improvement. Urban redevelopment will be meaningless unless there is freedom of choice in housing.

I, furthermore, suggest the strengthening of legislation in the following manner:

1. A more automatic trigger for the application of Federal standards to jury selection.
2. An administrative agency to enforce the fair housing section.
3. Identification of citizens who have been injured in the exercise of their civil rights.
4. Extend Title VII of the Civil Rights Act of 1964 to cover state and local government employment.

In terms of legislative activity for this Congress time is running out. I, therefore, suggest fast action by your Committee.

Sincerely,

I. W. ABEL,
President.

CITY COUNCIL OF THE CITY OF LOS
ANGELES,

July 14, 1966.

Congressman JOHN CONYERS,
Cannon House Office Building,
Washington, D.C.

DEAR JOHN: Enclosed please find a copy of Councilman Thomas Bradley's Report to the People on the Housing Title of the proposed 1966 Civil Rights Act.

This column has been published locally and has been distributed to local civil rights organizations and individuals who have indicated interest in such matters.

We are concerned at the relative lack of national activity on behalf of passage of the Housing Title and have been trying to think of some device for spurring interest and action. Hence this letter and enclosure to you. Warmest regards.

Sincerely yours,

THOMAS BRADLEY,
Councilman, Tenth District.
By: MAURICE WEINER,
Field Deputy.

REPORT TO THE PEOPLE—LXI

(By Councilman Thomas Bradley)

On Friday, June 24, I urged the President of the United States to use the full weight of his office and influence to assure the passage of Title IV of his proposed 1966 Civil Rights Act. Title IV would try to achieve non-discrimination in housing.

Following is the text of the letter I sent to President Lyndon Johnson. Copies have gone to Los Angeles area Congressmen and both U.S. Senators from California THOMAS KUCHEL and GEORGE MURPHY.

"DEAR MR. PRESIDENT: Residents and organizations in the Los Angeles community share my deep concern that the House Judiciary sub-committee recently failed to recommend Title IV of your proposed Civil Rights legislation for 1966. Since Title IV represents a significant and substantive por-

tion of your proposal, we know that any prospective failure to enact this Title would cause you great concern also.

"We therefore urge that you use all the facilities and influence at your command to assure that nothing short of Title IV, as included in H.R. 14765, introduced by Congressman EMANUEL CELLER, is passed by this Congress.

"Rather than removing or weakening the non-discrimination in housing sections, there is need to supplement and strengthen them. The White House Conference, 'To Fulfill These Rights,' which you called early in June, endorsed the broad outlines of your legislative proposals, but urged strengthening of its enforcement provisions. It is, of course, important that the Federal government establish policies to prevent racial discrimination in the sale or rental of housing, and in financing housing purchases, sales, construction, improvement and repair. Your proposed legislation goes a long way towards establishing these policies.

"However, it is equally vital that the various Federal agencies have adequate and sufficient authority and facilities to implement desired policies. I share the White House Conference views that remedies for housing discrimination should include civil litigation, administrative actions, cease and desist orders and, if necessary, termination of assistance from the Federal government. And as stated in the recommendations of the Conference, 'Those parts of the housing industry benefiting from government mortgage insurance and guarantees should be required to demonstrate that they are merchandising and otherwise encouraging the rental and sale of housing to all without regard to race.'

"Mr. President, segregation in housing is a root cause of many of the evils which beset our society. It results in a terrible isolation of human beings from each other, thus depriving us of valuable insights and experiences, and breeding debilitating ghettos of fear and hostility. It is largely responsible for the recent Office of Education statistics indicating little real progress in school integration. It helps to explain the continued proportionate increase in the Negro unemployment rate, both by sterile association and a deprivation of means and goals which is the consequence of isolated living.

"I therefore cannot urge too strongly that every effort be directed towards passage of a meaningful non-discrimination housing bill and effective enforcement provision. I have asked my friends to urge their Congressional representatives to vigorously support this measure.

"Thank you for your help in this urgent struggle to achieve human dignity for all—now.

"Sincerely yours,

"THOMAS BRADLEY,
"City Councilman, Los Angeles."

I urge each of you to likewise write your Congressman or Senator and the President, expressing your viewpoint. This is part of the democratic tradition of citizen participation. By your letters, and even telephone calls to Congressional offices in the area, you will let your elected representatives know how vital is this issue to you and the entire community.

That this matter is one of the highest urgency is indicated by the failure of the sub-committee of the Judiciary Committee to recommend the key housing portion of the bill. Let us act vigorously now.

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

Mr. CONYERS. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, the point I make is that we have provided for machinery to apply to the courts to

rectify any alleged discrimination. Therefore, there is not the need for a Fair Housing Board such as there is with regard to the Fair Employment Practices Act or as to the National Labor Relations Board Act.

Mr. CONYERS. Mr. Chairman, may I point out that under the existing provisions of title IV we might be burdening not only the complainant but the person who is being complained against, the party who may be accused of discriminatory practices, with inordinate and unjustified delay. The property might be tied up for a much longer period by going into court than it would if we have this board. I would again point out that before any board hearing is established, there is an investigation conducted by the Secretary of Housing and Urban Development to determine whether there is validity or merit in the complaint. Up until that time the person complained against or the agency or perhaps the broker would not be subjected to any penalties or difficulties whatsoever. The investigations by the Secretary would eliminate a great many of the complaints in expeditious fashion because he would be able, on his own authority, to dismiss all invalid complaints. Through this the procedure established in section 408 frivolous complaints of housing discrimination would not result in any unjustified burden on property owners, real estate brokers, or mortgage financiers. But in addition it would provide expeditious relief for those who are actually being discriminated against. I would like you to discuss a point that has not been made clear so far.

Section 408 very specifically and carefully separates the judicial function of enforcement, exercised by the Board, from the investigatory functions exercised by the Secretary.

Under the same implicit powers exercised by the General Counsel of the National Labor Relations Board in conciliating labor disputes, and exercised by every other investigatory agency, the Secretary of Housing and Urban Development would investigate and conciliate housing discrimination cases. I would particularly point out that those statements made by any party during the Secretary's attempts at conciliation could not be used in any hearing before the Fair Housing Board. That is only one of many reasons why we separate investigation and conciliation from the more judicial function of holding hearings and providing injunctive-type relief.

Mr. RODINO. Mr. Chairman, I move to strike out the last word and I rise in opposition to the amendment.

Mr. Chairman, might I say that the gentleman from Michigan has effectively answered the gentleman from Illinois. He has cited the reasons for the establishment of this administrative procedure and has explained just what section 408 provides.

Mr. Chairman, this section establishes an administrative process to handle complaints on housing discrimination. It is modeled after the procedures of the National Labor Relations Board in resolving labor disputes.

There are precedents for this kind of action, Mr. Chairman. The precedents are that 16 out of 17 States which have fair housing laws relating to private housing have administrative agencies with comparable powers. This is nothing new. This is something that has been considered by the committee. It is an effective way to deal with complaints of this sort. For that reason, Mr. Chairman, the amendment should be voted down.

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

Mr. RODINO. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, may I inquire of the Judiciary Committee whether under section 408(f)(1) it is intended that the Secretary of Housing and Urban Development, after an investigation, shall file a complaint with the Fair Housing Board if there are reasonable grounds to believe a violation has occurred?

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

Mr. RODINO. I yield to the gentleman.

Mr. CONYERS. Yes, and only then. I might add that no one can file a complaint with the Fair Housing Board. I might say to the gentleman from New York, but the Secretary of Housing and Urban Development.

Mr. RYAN. Mr. Chairman, am I correct then in assuming that the Secretary is not required to perform a quasi-judicial function?

Mr. CONYERS. That is correct. He has no judicial powers, quasi or otherwise. The judicial function of holding hearings and issuing orders is strictly reserved to the Board.

Mr. RYAN. Purely investigatory.

Mr. CONYERS. That is true; in addition, there is a 6-month statute of limitations on any complaints filed with the Secretary of Housing and Urban Development.

Mr. RODINO. Mr. Chairman, I yield back the balance of my time.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois.

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

Mr. HICKS. I yield to the gentleman from Illinois.

Mr. McCLODY. I thank the gentleman. Of course, the Secretary is not a judicial body but the Board would be a judicial body, and more than just a quasi-judicial body, because the determination they would make would constitute the record in the case you would appeal from that, and the appeal would be on the record that they make.

With regard to those States which have administrative agencies, they also have a court proceeding. Here we have a duplicate matter of enforcement. It seems to me one or the other ought to be removed. I think the Fair Housing Board should be removed since we have given validity to the court procedures in sections 406 and 407. I thank the gentleman.

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

Mr. HICKS. I yield to the gentleman from Michigan.

Mr. CONYERS. I should like to clarify what our distinguished colleague from Illinois has pointed out. The Board cannot enforce any of its orders without first going to the circuit courts of appeals, as is customary with the orders of almost all quasi-judicial independent agencies. The Board in and of itself would be powerless to enforce any of the orders that it might issue.

Mr. HICKS. I wish to make this one point. I have had at the desk since yesterday such an amendment as the gentleman from Illinois, a member of the committee, has offered. To me the bad part of this particular bill is not necessarily the Housing Board, but the authority that is being given to the Secretary of Housing and Urban Development. It seems to me, as was pointed out by the gentleman from North Carolina, that we are making one more administrative agency which will burgeon as did the NLRB. The Secretary of Housing and Urban Development, true, would have an investigatory duty only, under such rules and regulations as he shall establish, and under these rules and regulations, as stated in (1) —

The Secretary may delegate any power or duty herein granted or imposed to a duly designated representative.

He will delegate it. He will set up a department or a branch in his office. The people manning this new department will be very diligent. They will go out and not only tell the real estate people how to run their business, but they will also tell the banking people how to run their business. You are going to have notices posted around, "We aren't going to be unfair any more," just as the NLRB does, and that is really the bad portion of this bill, regardless of the very great motives that I am sure the gentleman from Michigan has in offering this portion of the bill.

In the city of Tacoma, where the real estate board has developed a standard of practice, which I included in the Record the other day, that is outstanding, that would do as much as if the MacGregor amendment had been adopted, they feel very strongly about this matter. I can do no more than concur with them that there is every possibility of harassment if this Fair Housing Board section is continued in the bill.

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

Mr. HICKS. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I am very glad that the statement has been made by our colleague, because it helps to clarify maybe a misunderstanding on the floor here. I refer to paragraph (h) on page 71 of the bill, and I quote it:

Except as provided in subsections (f) and (g) of this section, the Board shall conduct hearings and shall issue and enforce—

I repeat, "shall issue and enforce"—orders in the same manner and shall be subject to the same conditions and limitations and appellate procedures as are provided for the National Labor Relations Board under section 160 (b), (c), (d), (e), (f), (g), (i), and (j) of title 29, United States Code.

I think that we are granting powers here by this provision of the bill as to which many of us are not fully informed. I join with the gentleman who has the floor.

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

Mr. HICKS. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Mr. Chairman, all I want to say is that I am in support of the gentleman's amendment. There has been misunderstanding about this title of this section of the bill as it existed since it was first mentioned in the committee. For example, my good friend from New Jersey [Mr. ROBINO] said it was considered by the committee. I want this Committee to understand that the Judiciary Committee probably gave 2 minutes to its consideration on this matter. It was not even read.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, am I correct in understanding that under the procedure provided under this section, there would be an opportunity for conciliation procedures to be carried out by the Secretary of the Department?

Mr. THOMPSON of New Jersey. That is my understanding.

I will yield to the author to answer it.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say that this was considered in the committee. As a matter of fact, the distinguished gentleman on the other side, who raised the question, questioned us during our consideration of this Fair Housing Board.

The Secretary of Housing and Urban Development wrote to me, I would like to say, concerning his deep interest in the conciliation procedure that is inherent in all investigatory agencies and boards, as follows:

It would be my firm policy, in my enforcement activities under that authority, to use conciliation to the fullest extent possible. I would not contemplate filing a complaint against any person alleged to be in violation of Title IV unless unsuccessful efforts had first been made to obtain a satisfactory solution through discussion and conciliation.

Mr. Chairman, at this point, I would like to insert the full text of Secretary Weaver's letter concerning section 408.

THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., August 5, 1966.

Hon. JOHN CONYERS, JR.,
House of Representatives,
Washington, D.C.

DEAR Mr. CONYERS: I wish to emphasize one very important matter in connection with the authority of the Secretary of Housing and Urban Development under the proposed Fair Housing Board provisions of Title IV of the pending Civil Rights Act of 1966.

It would be my firm policy, in my enforcement activities under that authority, to use conciliation to the fullest extent possible. I would not contemplate filing a complaint against any person alleged to be in violation

of Title IV unless unsuccessful efforts had first been made to obtain a satisfactory solution through discussion and conciliation.

This would be consistent with all actions we have heretofore taken in similar enforcement activities and would, I am sure, be consistent with the general policy of the Administration.

Sincerely yours,

ROBERT C. WEAVER.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. Chairman, I have not had a chance to get started yet.

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

The authority given by section 408 to the Secretary of Housing and Urban Development and the Fair Housing Board is essential to the enforcement of title IV.

Many of us supported the amendment of the gentleman from Maryland [Mr. MATHIAS] to reduce the coverage of the bill in order to make it acceptable to the majority of the Members of the House. We hope that the House will not now make unenforceable the antidiscrimination principles in the area in which the bill still applies.

When the administration sent its bill to Congress, it relied for enforcement primarily upon suits by individuals. Under the original administration bill, an individual who has been the subject of discrimination could recover damages for humiliation, pain, and suffering and up to \$500 punitive damages. His attorney could obtain reasonable attorney's fees from the discriminator. All this is now removed from the bill and all that is left is the right of the man discriminated against to recover actual damages—if he can afford a lawyer to bring the suit at all.

So title IV as it is written today, relies on the Secretary of Housing and Urban Development and the Fair Housing Board for its enforcement. The Secretary will investigate—and conciliate while he is investigating—and the Board will act in cases presented to it by the Secretary. This method of administrative enforcement has been used by most of the States and municipalities that have fair housing ordinances. This administrative procedure is necessary if title IV is to be enforced. I cannot believe that anyone wants to set up a rule against discrimination and then not provide adequate enforcement.

I hope the amendment will be defeated.

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

I want to ask a question of the gentleman from Michigan with regard to this section.

In the gentleman's opinion, would most of the cases be resolved without recourse to the Fair Housing Board?

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

Mr. ROSENTHAL. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from New York.

I should like to answer that question based not just on personal experience but based on the official report of the National Labor Relations Board for fiscal year 1965, the latest available report.

I was surprised to find out that more than 90 percent of the cases filed with the NLRB were resolved either through dismissal, conciliation, or withdrawal of the complaint.

Mr. ROSENTHAL. Did the gentleman also find in his investigation of the NLRB that something approximating 6 percent of the cases actually did go to the Board for disposition?

Mr. CONYERS. That is absolutely correct.

Mr. ROSENTHAL. Mr. Chairman, I yield back the remainder of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I have listened to the debate on this important amendment, offered by my colleague from Illinois [Mr. McCLORY].

Frankly, I am utterly and completely appalled that the House this afternoon, with this kind of attendance on the floor, would accept—by voting down this amendment, which undoubtedly will be done—a provision such as this, which was adopted literally at the last moment by the committee without any hearings whatsoever.

There is not a scintilla of evidence in the record before this House today as to what is involved in setting up a monstrosity of this kind.

It is said that 23 million housing units will be covered by this legislation, even in its "watered down" form, and that there will be literally millions of transactions every year. We do not have any idea how many functionaries are going to be required to administer this section of the law.

So far as the statement made by the gentleman from Michigan is concerned, that this Fair Housing Board is going to be without power, apparently he has not read the language of his own section, the section which he offered as an amendment to this bill, because as I read it the very clear language of that section says that that Board will have the power to issue cease and desist orders and it will have the power to enforce these orders against private citizens in this country.

Frankly, it is shocking that the record of this House on this point has been so poorly made as it has been this afternoon.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. McCLORY. I want to reject completely the statement made by the gentleman from New Jersey, who stated that there was no opportunity to receive damages under this legislation as presently before the House.

Not only can there be relief under the Fair Housing Board, whatever that might amount to, including specific performance, but also, as we read section 406(c), we see that the Federal court in the other available proceedings, in duplicating proceeding, can award actual damages to the plaintiff and enter such other orders including the actual damages.

What we are doing here is setting up a duplicate enforcement authority. The

person can go into court to get relief of a kind, and he can go before the Board and get some other kind of relief.

There is not one word in this section which says anything about conciliation. If they are to have any conciliation or adjustment, that will be dependent upon rules and regulations which this Board may or may not make.

Mr. ANDERSON of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, to carry forward the point the gentleman from Illinois just made, there is a specific section of the bill, starting at line 14, page 72, which says just exactly what assistance by the Secretary of Housing and Urban Development shall offer, but when we read the language of that section, we do not find one word about conciliation. The intent of this section is very clear; it is to bring the violators of the language of this section before a so-called Fair Housing Board for the issuance of cease-and-desist orders. That is not my idea of conciliation.

This is a provision which I believe a lot of people in this country are going to find shocking. They are not going to like it when they find that this kind of language has been written into this bill.

I urge support of the amendment offered by the gentleman from Illinois [Mr. McCLORY].

Mr. RYAN. Mr. Chairman, I rise in opposition to the amendment. I strongly support the inclusion in this bill of the Fair Housing Board as proposed by the distinguished gentleman from Michigan [Mr. CONYERS]. I want to commend him for his leadership on this important proposal.

The history of fair housing laws in virtually all of the States makes it clear that the laws have no effect if they are not supported by an enforcement agency.

In New York, for example, the State Commission for human rights acts as the Fair Housing Board would under this title. I would be the last to argue that the fair housing law has completely ended discrimination in New York, but I can state emphatically that what effect it has had has been due to the work of the administrative agency.

I am convinced that the Fair Housing Board is vital to the success of title IV. In my testimony before the Judiciary Committee on May 10, 1966, I urged that such a board be created under this title. In the 87th and 88th Congress the legislation which I introduced to prohibit discrimination in housing would have used the Civil Rights Commission as an enforcement agency.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment and to support the creation of a Fair Housing Board, which would serve as a strong force in the Government's effort to eliminate discrimination in housing.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I would like to comment about the extent of the Judiciary Committee's consideration of this section that has been alluded to by many of those supporting the motion to strike the Fair Housing Board, the only provision for enforcement without going into court that exists in title IV. It just so happens that I happen to be the freshman member on the Committee on the Judiciary. It is not customary in this committee that junior members introduce amendments before other members of the committee. This amendment came up in the closing hours of the discussion, because I brought it up after the other members had offered their amendments to title IV.

I think that there should be some comment made here about the parallel forms of relief that are available in court and before the Commission. I think that all of the attorneys involved in working on the language of this bill, and certainly those on the Committee on the Judiciary, took this into very full consideration, Mr. Chairman, when we made it perfectly clear that there would be a staying order issued. This is standard and customary procedure in any court. When an agency or a board has jurisdiction of a matter, the court would stay any action or hearing on the case until it had been disposed of by the Board or the Secretary. I do not think that is subject to a lot of debate.

Mr. McCLORY. Mr. Chairman, will the gentleman yield to me? Because that is not just plain fact. It is up to the full discretion of the court.

Mr. RYAN. Mr. Chairman, I yield back the balance of my time.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wholeheartedly support this amendment, but I take this time because it points up the need for the concern in the motives and the long-range program that we are faced with in title IV of this bill. In the 10 years I have been a Member of this Congress I have not experienced any bill or any provision in any bill with more ambiguities or a greater inability to get any factual information on the enforcement and administrative provisions of this one.

Mr. Chairman, I would like any member of this committee to answer a question, or two for me at this point so that I might determine their motives and how this particular amendment would apply at some time in the future. I direct these questions to any member of this committee that reported this bill.

First, as I understand it, title IV as it was originally introduced covered individual real estate sales which subsequently was removed by the amended title IV before the bill was brought to the Committee on Rules. Is that correct?

Mr. CONYERS. I think that is correct.

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

Mr. COLLIER. I yield to the gentleman.

Mr. MACGREGOR. Title IV as recommended by the administration and as introduced by the distinguished chairman of the Committee on the Judiciary [Mr. COLLIER], was not considered by the subcommittee. It was forwarded by the subcommittee to the full committee without any recommendation. So that title IV came to the full committee in the form in which it was originally introduced without recommendation or consideration by the subcommittee.

Mr. COLLIER. I thank the gentleman. Now may I ask—and I presume this action was taken because in the judgment of the committee it was an improvement over the original bill.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me at that point?

Mr. COLLIER. I will be delighted to yield if you will answer my question.

Mr. ROGERS of Colorado. Yes. If you will take the bill, H.R. 14765, and turn to page 25 and follow down to page 36, you will find the original title IV that was introduced by the chairman of the Judiciary Committee and which was reported in that form by the subcommittee without recommendation to the full committee. Then if you will turn to page 61 under title IV—

Mr. COLLIER. Mr. Chairman, I can see where I am not going to get an answer here, and you will use up all my time. May I simplify my question by asking this: Was title IV as it was brought to the floor of this House an improvement, in the opinion of anybody on either side?

Mr. ROGERS of Colorado. Yes, sir.

Mr. COLLIER. It was an improvement?

Mr. ROGERS of Colorado. Everybody agrees to that.

Mr. COLLIER. Fine. Then, that leads to my next question. If it was an improvement, am I then to believe that in the next session of this Congress, if a new title IV is brought to the floor which will cover every individual real estate transaction, that the gentleman will oppose it?

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a statement?

Mr. COLLIER. I shall be delighted to yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, this part of title IV did not in my opinion have the approval of all members of the Committee on the Judiciary.

Mr. Chairman, in accordance with long-accepted practice, bills are sometimes reported to the House with parts thereof opposed by the members of the Committee on the Judiciary.

Mr. Chairman, I am sure that is the case with respect to the amendment in question. It came at the last moment in consideration of the legislation.

Mr. Chairman, it has been said by our colleague, the gentleman from Illinois [Mr. McCLORY], that little or no debate in the full committee of the House Committee on the Judiciary was had, and, finally, if the gentleman from Illinois will yield to me further, this part of the title was not a part of the original administration bill.

Mr. COLLIER. It was not?

Therefore am I to assume that the committee tried to get an amendment to this bill as reported to this House, which was an improvement over the administration bill?

Mr. Chairman, if the bill as amended is an improvement, as stated is an improvement I would like to place in the RECORD the fact that if a bill is introduced in the next session of Congress which reverts to coverage of individual real estate sales those who support it in the face of saying title IV of the 1966 act is an improvement over the original H.R. 14765, they will be ridiculously inconsistent. And that may be the understatement of the year.

The general public is not as naive as this Congress may think. In fact, I feel sure that many of my colleagues will find this to be an accurate statement before the inevitable passage of this bill.

On the other hand, perhaps I am giving many of my distinguished fellow Members of this House every benefit of doubt. Or maybe it is they who are naive. I make these prefacing remarks because I have witnessed quite a display of legislative maneuvering on certain amendments offered to this bill and, particularly, the one which was adopted by a slim margin of 190 to 189 Wednesday. The amendment further weakened title IV of the bill, which had already undergone surgery at the last minute in committee, in order to make it politically palatable. Yet, I cannot believe that there are very many Members of this House, particularly those who have been in the Congress for several years such as I, who are not entirely aware of the fact that the forced housing provision of this bill is merely a forerunner to legislation that will be brought before us in the next session of Congress.

For just as sure as we indulged in legislative calisthenics for political consumption back home, we are going to have another bill in the next session of Congress which will nullify title IV in any amended form to provide for coverage of every real estate transaction, whether by an individual or his agent and regardless of what instructions may be provided under this very temporary provision.

Refute if you like this conclusion, but the history of civil rights legislation in this Congress defies such refutation. I cite the changes that have been made in the basic Civil Rights Act of 1964, which I supported, and which came about before the ink was even dry on the original document, to use an expression. Specifically, we included in the 1964 Civil Rights Act a fair employment practice provision, which law everyone extolled as the answer to discriminatory hiring practices. It went into effect July 1 of 1965, yet before we had even 10 months' experience with the law, this Congress completely revised it to bring its application down to cover places of business with only eight employees and changed completely the basic procedure of determining guilt under the law.

How can a law be regarded as a good and necessary piece of legislation one year, yet totally inadequate less than 10 months after its effective date? It just does not make sense. The fact of the matter is that the authors of this legislation and its ardent proponents are merely employing cagey tactics, knowing full well that they can draw into their fold a number of their colleagues with their camel's nose under the tent approach. There is no doubt that they realize also that they soften the blow by establishing a legislative precedent which appears to be reasonably inoffensive to start. It is sort of a one-two punch attack, with the second one often landing in the solar plexus.

Not that my words will do any more than fall upon deaf ears at this point of predetermination in this debate, but I do want the record to show that this legislation and all of the legislative calisthenics in which we have been engaged thus far will culminate in the ultimate adoption of title IV as originally presented in this bill, which has not only raised very serious constitutional questions, but which would have been so politically unpalatable to Members of this body this year that it could not have passed.

There is another aspect of this very serious problem of civil rights upon which I feel disposed to comment for I cannot believe that any Member of this body can be unaware of it. It is a sad fact that emotionalism, which surrounds any issue involving civil rights, makes it virtually impossible to deal with on a strictly constitutional, rather than racial, basis. Perhaps the best example of the situation to which I am presently addressing my remarks lies in the statement on this floor yesterday by one of my respected colleagues from New York and a member of my own political party who said, "But I want to reduce this entire question to one common denominator: When we get to the end of the debate on title IV the question should and will be, Are you for or against discrimination?"

Responding to this conclusion, I am reminded of the words of the great contemporary statesman, Bernard Baruch, who said:

Every man has the right to his opinion, but no man has the right to be wrong in his facts.

Certainly, if the question involved in title IV of this bill, no matter how it may be camouflaged in amendments and exalted verbiage, were as simple as that, one would hardly need the hours of debate and legal expertise that has gone into the writing of this bill. Unfortunately, the idea of slapping an unfair label upon those who do not believe in discrimination, but are willing to pursue the courage of their convictions on any other basic aspect of the law is a rather sad commentary these days.

If ever there was a time when tolerance must be extended beyond the political aspects of any issue, it is today. I do not believe that the words "civil

rights" are so sacred in the light that they are projected today that we should attempt to achieve by legislation civil rights which invade the fundamental civil rights of someone else. In my own case, I have supported many civil rights measures, both in the form of completed bills and amendments in the 10 years I have been a Member of Congress, but I shall continue to reserve the right to exercise my own judgment on each and every bill of this nature as long as I am a Member of Congress.

I would again be remiss if I did not point out that merely disagreeing with the prejudice of others—and indeed I do, does not give me the right to impose through legislation my personal moral attitudes upon my fellow man. Instead, though I may personally disagree with him, I feel that I must evaluate my judgment on many fundamental and legal concepts which certainly embrace the traditional rights of private property and private ownership.

Recently a prominent judge in rendering an opinion with regard to the Constitutionality of forced housing in my home State of Illinois said:

The whole effect of such a law would be to divest title or leasehold interest in one person and transfer it to another. Thus the ultimate goal of such action is to enable a private individual to acquire property of another without the consent of and contrary to the wishes of the owner of the property.

Again I repeat that it is not a question of whether I feel that the owner of any property is exercising prejudice or intolerance in the rights that go with his private ownership. It is, instead, a fundamental constitutional question.

In conclusion, I laud my colleague from West Virginia, Representative ARCH M. MOORE, distinguished member of the House Committee on the Judiciary, for his summary of the Civil Rights Act of 1966, and I recommend its reading to everyone understandably concerned with and interested in this difficult and pressing issue. It will indeed be interesting to reread his comments 4, 5, or 10 years from now. I believe that his evaluation and conclusions will be established as the most accurate appraisal of this problem when the full chapter of civil rights legislation is written into history.

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

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I see on page 71, line 4, that this board shall have the same powers and shall be subject to the same conditions and limitations as provided for in the National Labor Relations Board, and so on.

Mr. Chairman, if this Board is going to have any powers like the NLRB, and if it going to have a record like that Board has, then I say that this proposal ought to be defeated.

Mr. Chairman, the gentleman from New Jersey who spoke earlier in support of this amendment has requested the sum of \$50,000 from the House Com-

mittee on Administration this year for the purpose of investigating the NLRB.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I shall yield to the gentleman from New Jersey when I have finished my statement.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Illinois used my name.

Mr. PUCINSKI. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. It is true that I made that request, and that the Committee on House Administration has not yet given to me the money for the purpose of this investigation.

But I might point out, however, that I have investigated very thoroughly the recent activities and operations of the NLRB, and in my opinion they are to be commended.

Mr. PUCINSKI. All right; that is the gentleman's opinion. And, apparently, they do not need the \$50,000 for this investigation, because they already have the judgment on it.

But, Mr. Chairman, I say that we already have in this bill adequate provisions whereby the Attorney General can bring action in a district court, wherever there is any evidence of discrimination, and I further believe that those provisions are sufficient under title IV.

Mr. Chairman, the administration is not asking for this Board. Neither President Johnson nor the Attorney General have requested establishment of such a Board. It is obvious to me that this proposal is just another effort by an agency to grab more power. I believe that there is great merit in the statement that there have been no hearings held on the question of the establishment of this Board.

Mr. Chairman, if this agency is to have the same power as the NLRB, this is the best argument I can think of to defeat this proposal. I urge you to support the amendment of the gentleman from Illinois if you don't want some Government employee harassing every homeowner in this country.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, the constitution of my State of Michigan and the ordinances of my own city of Ann Arbor contain provisions assuring uniform opportunity to acquire housing to all, provisions generally similar to or stronger than those in the bill before us. Until recently, however, when an action occurred which violated these laws, the persons offended found that a delay of many, many months occurred before legal steps taken which benefited them could be consummated.

The result was, that few complainants who initiate and persist in legal action have been individuals who received strong support from civil rights organizations.

Mr. Chairman, very few individual families benefited under these laws until recently when administrative proceed-

ings by local commissions became more effective.

Therefore, it would seem to me that the handful of you on the opposite side of the aisle here who desire this law, who want it to go into effect, who have encouraged its consideration, and who have had the courage to support it, and who I am convinced would like it to aid the single family—"little people," as well as aid organizations—that you should help keep in this section.

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

Mr. VIVIAN. I yield to the gentleman. Mr. McCLOREY. I would like to respond to the gentleman.

Mr. Chairman, the legislation itself, sections 406 and 407, authorizes the granting of an immediate injunction including a permanent or temporary injunction, or restraining order. A person is entitled to get immediate relief under sections 406 and 407 but there is no assurance he can get immediate relief from the Fair Housing Board any more than from the National Labor Relations Board. It could drag on for years.

Mr. VIVIAN. Mr. Chairman, I would like to respond to that.

In my State of Michigan we have had civil rights laws without commission enforcement for many years. But it has been only through initiative recently shown by local and State boards that we have begun to make some progress.

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

Mr. VIVIAN. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I want to thank my distinguished colleague, the gentleman from Michigan [Mr. VIVIAN].

And, Mr. Chairman, I would like to clarify something that seems to be a source of concern to many of the Members. This amendment was heard and deliberated on by the Judiciary Committee in the same manner as was every other part of the Civil Rights Act of 1966.

I apologize for not being a more senior member of the Judiciary Committee so that I could have introduced the amendment at an earlier stage. It was discussed. It was debated. And it was overwhelmingly passed in the full Committee on the Judiciary.

Mr. Chairman, I think we should not penalize a portion of a bill that has been reported by a committee just because it happens to be the last substantive amendment that succeeded in passing.

Mr. Chairman, with regard to the fact that there is a Federal court remedy in the bill, I should like to point out that we are trying to cut down the number of court cases by means of this Fair Housing Board. We are trying to provide the little homeowner, the small broker, if you please, with a forum that will not involve expensive litigation and court procedures. The one way that we can do it—and it is already in use by 16 of the States having civil rights commissions—is to provide for administrative relief.

Mr. Chairman, at this point I would like to insert in the Record a memoran-

dum from the Legislative Reference Service listing the 16 States which have administrative boards with similar powers to the Federal Fair Housing Board established by section 408:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C. August 2, 1966.

To: Hon. JOHN J. CONYERS, Jr., Attention: Larry Horwitz.

From: American Law Division.

Subject: State Fair Housing Commissions.

Reference is made to your conversation of above date with Mr. Vincent A. Doyle during which you requested information concerning fair housing commissions. Specifically, you requested a tabulation of states which have administrative bodies authorized to issue cease and desist orders along the lines of the proposed federal Fair Housing Board, Title IV, H.R. 14765, H. Rept. 1678, 89th Congress, 2nd Session.

As of May 20, 1966, twenty states, the District of Columbia, Puerto Rico, and the Virgin Islands, had laws banning discrimination in one or more kinds of housing (Public Housing, Urban Renewal Housing, Other Publicly Assisted Housing—PHA, etc.—or Private Housing.) Of this number, 17 states had fair housing laws relating to private housing. Sixteen states provide for enforcement of their private fair housing law by an administrative body empowered to issue cease and desist orders analogous to the proposed Federal Fair Housing Board.

1. *Alaska*: State Commission for Human Rights. Creation, Alaska Stat. § 18.80.010; power to issue orders, Alaska Stat. § 18.80.130.

2. *California*: Fair Employment Commission. Creation, California Labor Code § 1414; power to issue orders, California Health and Safety Code § 35738.

3. *Colorado*: Civil Rights Commission. Creation, Colorado Rev. Stat. Ann. § 80-21-4; power to issue orders, Colorado Rev. Stat. Ann. § 69-7-6(d) (12).

4. *Connecticut*: Commission on Civil Rights. Creation, Conn. Gen. Stat. Rev. § 41-123; power to issue orders, Conn. Gen. Stat. Rev. § 31-127.

5. *Indiana*: Civil Rights Commission. Creation, Indiana Ann. Stat. § 40-2310; power to issue orders, Indiana Ann. Stat. § 40-2312.

6. *Massachusetts*: Massachusetts Commission Against Discrimination. Creation, Mass. Ann. Laws, ch. 6, § 56; power to issue orders, Mass. Ann. Laws ch. 151B, § 5.

7. *Michigan*: Civil Rights Commission. Creation, Mich. Const. Art. V, § 29; power to issue orders, Mich. Stat. Ann. § 17.458(7) (h).

8. *Minnesota*: State Commission Against Discrimination. Creation, Minn. Stat. Ann. § 363.04; power to issue orders, Minn. Stat. Ann. § 363.07(4).

9. *New Hampshire*: State Commission Against Discrimination. Creation, N.H. Rev. Stat. Ann. § 354-A: 4; power to issue orders, N.H. Rev. Stat. Ann. § 354-A: 9.

10. *New Jersey*: Division on Civil Rights. Creation, N.J. Stat. Ann. § 18:25-6; power to issue orders, N.J. Stat. Ann. § 18:25-17.

11. *New York*: State Commission for Human Rights. Creation, N.Y. Executive Law § 293; power to issue orders, N.Y. Executive Law § 297(e).

12. *Ohio*: Ohio Civil Rights Commission. Creation, Page's Ohio. Rev. Code § 4112.02; power to issue orders, Page's Ohio. Rev. Code § 4112.05(G).

13. *Oregon*: Bureau of Labor. Authority to deal with housing discrimination, Ore. Rev. Stat. § 659.054; power to issue orders, Ore. Rev. Stat. § 659.060.

14. *Pennsylvania*: Pennsylvania Human Relations Commission. Creation, Pa. Stat.

Ann. 1956; power to issue orders, Pa. Stat. Ann. 1959.

15. *Rhode Island*. Rhode Island Commission Against Discrimination. Creation, R. I. Gen. Laws Ann. §§ 28-5-1 to 28-5-39; power to issue orders, R. I. Gen. Laws Annt. 134-37-5 (14).

16. *Wisconsin*. Equal Opportunities Division of the Industrial Commission. Authority to administer, Wis. Stat. Ann. § 101.60(d)(3); power to issue orders, Wis. Stat. Ann. § 101.60(d)(c).

RAYMOND J. CELADA,
Legislative Attorney,
American Law Division.

AUGUST 2, 1966.

The best way that we can do it is to set up a commonsense procedure. Investigations are conducted by the Secretary of Housing and Urban Development. He cannot issue any order. If there is no merit in the complaint, it is dismissed. If there is merit to the complaint, he attempts to conciliate it. If he cannot conciliate it then and only then does he refer it to the Board. In no other way can a complaint reach the Fair Housing Board. I think that should be made very, very clear.

Mr. VIVIAN. Mr. Chairman, I repeat again, those of you on the other side who have shown courage in supporting this bill so far, and who I am sure desire to help "little people," should keep this section in the bill.

Mr. DOWDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DOWDY. Mr. Chairman, I understood when we started on this limited time that the Chair had stated that the time of the Members who had amendments would be heard. It seems to me all this time is being consumed by people who voted to limit the time.

The CHAIRMAN. The Chair must tell the gentleman from Texas that he has not stated a parliamentary inquiry.

Mr. DOWDY. Is it the Chairman's intention to carry out his promise at the beginning that Members who had amendments at the desk would be given time to be heard?

The CHAIRMAN. The Chair has stated that he would do his best to hear Members for and against amendments and that he would give preference to those who had amendments. The Chair made no commitments.

Mr. RUMSFELD. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I simply want to point out to the Members of the Committee that the Congress of the United States created the Community Relations Service in the 1964 Civil Rights Act. It exists today. Only a few weeks ago we considered a reorganization plan in the Government Operations Committee which transferred the Community Relations Service to the Department of Justice. That plan was approved by this House.

One of the things that were brought out in the debate was the fact that the Community Relations Service did not have a heavy workload, because the expected number of cases arising from pub-

lic accommodations legislation in 1964 did not materialize.

The gentleman from Michigan, the author of this section of title IV of the bill, has said that the purpose of the Fair Housing Board would be to act to avoid court cases through conciliation. He talked about the fact that the States have conciliation services. But I have not heard anyone admit that the U.S. Government already has a general-purpose conciliatory body in the Community Relations Service, that it is presently equipped, functioning, and can do exactly the same job the gentleman is trying to put forward for his Fair Housing Board to do.

It seems to me that in the absence of any discussion of this subject, the admission on the part of the gentleman from Michigan (Mr. CONYERS), to the effect that the States have conciliation boards in many cases, points up the fact, as has been stated by the proponents of the amendment, that this is duplicatory; it is unnecessary, and this Committee would be well advised to recognize that the Judiciary Committee did not give full thought to this question. I think we should support the amendment and strike that provision from the bill.

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

Mr. RUMSFELD. I yield to my colleague from Illinois.

Mr. McGLORY. I just wanted to point out that in the Judiciary Committee we undertook, in the provision relating to court procedures, to take care of the little fellow. We authorized the appointment of an attorney and the payment of attorney's fees and the court costs. We have made provision for the little fellow in this legislation already. To authorize now a great Federal bureaucracy, a great Federal agency, would not be consistent with trying to take care of the little fellow but would burden him with all kinds of things with which he should not be burdened.

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

Mr. RUMSFELD. I yield to the gentleman from Florida.

Mr. CRAMER. I should like to propound a question of the gentleman from New Jersey or the gentleman from Colorado, who are the managers of this bill. The leadership of the bill has consistently upheld the infallibility of the Judiciary Committee by opposing amendments. Have the gentlemen spoken on this issue? Would the gentlemen indicate what the position of the leadership on this bill will be relating to this amendment? Do they want it in or out?

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

Mr. RUMSFELD. I yield to the gentleman from New Jersey.

Mr. RODINO. I support the provision that is included in the bill, and I oppose the amendment that would strike that provision.

I would like to state further that we have accepted some amendments offered by the gentleman from Florida.

Mr. RUMSFELD. The gentleman from New Jersey is correct. There have been some amendments accepted. The point is not whether they are accepted. The point is, what are we acting on? We are acting on the creation of a Fair Housing Board, which, in view of the very existence of the Community Relations Service, is not necessary. There cannot be a Member in this Chamber who could give one valid reason why the Federal Government should establish a completely duplicative Fair Housing Board. I am sure that is why the Attorney General of the United States did not ask for it, did not testify in favor of it, and why the administration is not seeking it. It is unnecessary.

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

Mr. RUMSFELD. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman. I think the first thing that should be cleared up in this discussion is the reference that has been made to the Community Relations Service. As has been suggested, that is a very appropriate remedy for conciliation purposes. I would like to point out to the distinguished gentleman that the Community Relations Service is going to be involved since the Secretary of Housing and Urban Development, under section 409(d), can call upon the Service for assistance and cooperation. However, the Community Relations Service is completely unprepared to assume, sir, the full responsibility of acting as arbiter in housing disputes that might arise under this provision.

Because of the Housing and Urban Development Department's intimate involvement with all aspects of the housing and financing field it has the expertise which is necessary to be helpful in conciliating housing discrimination problems.

It would seem incredible to ask a newly founded agency, with no expertise at all in the housing field, to mediate these disputes when we already have an agency in the Government which is well-equipped and prepared to fulfill this function.

Mr. RUMSFELD. The point I wanted to make is that when we transferred the Community Relations Service to the Department of Justice a few weeks ago, they specifically said they were planning to enlarge the Community Relations Service. I do not know what your idea of large or small is, but it seems to me this is clearly the agency to do the job you are describing.

I do hope that the membership will support the amendment.

Mr. FRASER. I would like to ask the gentleman from Michigan a question or two if I may. Do I understand under the procedures authorized for the Fair Housing Board, that implicit in its operation is the opportunity to utilize conciliation procedures?

Mr. CONYERS. Yes, I will be glad to attempt to answer my distinguished colleague. As I mentioned earlier, the Secretary of Housing and Urban Development

opment has sent me a letter in which he has committed himself to emphasize the conciliation process in the course of his investigation.

We have found further that conciliation works. Regardless of the opinion that any of the Members might hold of the NLRB, over 90 percent of the cases filed with it are settled through either dismissal, conciliation, or withdrawal of the complaint. There is no language in the NLRA—and it has been working for 31 years—about conciliation, because conciliation is inherent in all investigatory agencies.

Mr. PRASER. I thank the gentleman. I want to emphasize what has been said by others, which is, Mr. Chairman, that if this Fair Housing Board is taken out, it destroys the only effective means of bringing conciliatory procedures to bear on the enforcement of the fair housing provisions.

I believe it would be an enormous mistake to take this out. Our experience in the State of Minnesota has been that conciliation is by all odds the most effective means for both education and action in the field of fair housing.

I strongly urge the House to reject this amendment.

Mr. WHITENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITENER. Mr. Chairman, in view of the fact that we were assured there would be an opportunity to offer amendments and debate them, and in view of the fact that the Members of the House, who have spoken at such length, voted to cut off debate, would it be in order to ask that debate on this amendment be closed off at this point?

The CHAIRMAN. Yes, indeed. Does the gentleman so request?

Mr. WHITENER. I so request.

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

There was no objection.

The CHAIRMAN. It is so ordered.

The question is on the amendment offered by Mr. McCLORY.

The question was taken; and on a division (demanded by Mr. McCLORY) there were—ayes 51, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

Amendment offered by Mr. Dowdy: In the so-called Mathias perfecting amendment, strike the words "If such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof."

Mr. KREBS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KREBS. That is an amendment to the Mathias amendment, which has been disposed of by this Committee.

The CHAIRMAN. The gentleman from New Jersey makes a point of order.

Does the gentleman from Texas desire to be heard?

Mr. DOWDY. Mr. Chairman, the agreement we had was that after the motion to strike was disposed of we would take up amendments to title IV. This amendment is an amendment to title IV, to a perfecting amendment that was adopted pending the motion to strike.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard?

Mr. KREBS. Mr. Chairman, I make the point that this amendment was not offered in a timely manner, since the Mathias amendment has already been disposed of by this Committee.

The CHAIRMAN. Does the gentleman from Texas desire to be heard further?

Mr. DOWDY. I believe I have made my point, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The point of order is sustained because of the fact that this matter has already been acted upon and this is, in effect, an effort to amend an amendment that has been agreed to.

Mr. DOWDY. Mr. Chairman, I disagree.

I move to strike the requisite number of words.

When agreement was made yesterday that the Moore amendment debate would be limited, it was also understood that title IV would afterward be open for debate and amendment. Yet today, the very first thing we have is an unconscionable limitation and cloture placed on the debate of a most important and highly controversial title, which is ambiguous to a great extent. Under the terms of the agreement entered into yesterday, many of us held up our amendments, expecting to debate them today. We feel betrayed.

Now, I want to talk about the Mathias amendment. We are going to have to vote on this, presumably after the Committee finally rises on this bill.

The gentleman from Maryland said that his amendment did not do anything one way or the other. He was in part correct, but that does not apply to the last part of his amendment, the part to which I attempted to offer an amendment to strike; that is, to the language:

If such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof.

Those words place a greater burden upon the real estate dealers and the brokers and the builders and so on, as covered by the bill. Consequently, this amendment is bad. It is more restrictive. It will hurt anybody who is in business concerning dwellings.

I use the word "dwellings" because that is what is used in the bill.

The Mathias amendment makes the bill worse rather than better. The gentleman from Maryland was incorrect when he said it did not do anything at all.

The language of his amendment, which has been adopted by the committee, would make it impossible for a person

who wanted to sell his home to get any advice from a realtor, builder, or their agents, salesmen or representatives, who are under the restrictions of this bill. The seller, be it a recent widow, or anyone else, might well find that her attorney would be forbidden under this title to advise her.

This is undue and unconscionable restriction on the professions involved, and on the right of individuals to advice of counsel. The Mathias amendment is so restrictive as to call for its defeat when the proper time comes.

Mr. Chairman, I yield back the balance of my time.

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 63, line 25, insert a period in lieu of the comma after the word "origin," and strike the words: "or to fail or refuse to use his best efforts to consummate any sale, rental, or lease because of the race, color, religion, or national origin of any party to the prospective sale, rental, or lease."

The CHAIRMAN. The gentleman from North Carolina is recognized in support of his amendment.

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

Mr. WHITENER. I yield to the gentleman from Ohio.

Mrs. BOLTON. I shall be appreciative if the gentleman will clarify language of the bill.

Specifically on page 62, line 3, it says that the term "person" includes one or more individuals, and so on. I wish to inquire as to whether or not the term "person" or "individual" includes women?

Mr. WHITENER. I suppose I am not a very good one to try to explain this. Yesterday I pointed out this type of thing, and I was accused of—what was it?—obfuscating the issues, or something.

Mrs. BOLTON. I certainly am not attempting to obfuscate the issues.

Mr. WHITENER. Whatever "obfuscating" is, I do not believe the lady or I would do that.

Mrs. BOLTON. Might the gentleman give me an answer as to whether or not the term "person" or "individual" includes women?

Mr. WHITENER. I will ask my friend Mr. RODINO of New Jersey, if he will answer the gentleman's question.

Mr. RODINO. Well, cannot an "individual" include a woman? I ask that question. I think the question answers itself.

Mrs. BOLTON. I think the gentleman has the point but just the wrong side. My question is whether a woman is to be considered as a "person" or "individual" under this title of the bill?

Mr. RODINO. Is not a woman a "person"?

Mrs. BOLTON. Yes. I certainly see this to be the case, although sometimes we are not considered so. I was wondering if this bill so considers women?