

location alone should override the considered judgment of the scientific fraternity of this country, engaged in the atomic energy program.

Mr. PASTORE. Will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. PASTORE. The Senator from Rhode Island has never taken that position. I have always taken the position that the Weston site should not be changed, but that these irritating issues should be settled. That is why I asked for the delay. I find no fault with the geographical location. I said that the selection of the site was an administrative function to be performed by the executive department, and I would not infringe or impinge upon it.

As far as the Senator from Rhode Island is concerned, this is not a vendetta; this is not a question of sour grapes. Naturally, there is a little disappointment with some because the project did not go to Brookhaven. I understand all the reasons for it, and I am not seeking to change the Weston site. It is only a question of changing conditions that are complex, irritating, and disturbing to many people.

Mr. HICKENLOOPER. I will say this for the Senator from Rhode Island—I think perhaps he has taken that position. I certainly will take his word for that. But if he has taken that position, it would be characteristic of his fairness of attitude with respect to the location of atomic facilities in areas which will best serve the atomic program. He has always taken that position, and I am not at all surprised that he takes that position with regard to the location of this project.

I will have to retreat, then, from my other statement, that this becomes a social argument in connection with certain requirements as prerequisites or interpreted as prerequisites.

I believe the question of water and its availability has been amply covered, the question of power has been amply covered, and the other factors that go into the selection here have been amply covered.

I have a great many notes, Mr. President, but I shall not burden the Senate any longer. I hope that, in the interest of the speedy advancement of this science, and in the hope for continued superiority of the United States in its reaching for the great, new, and unknown laws of nature, we will get on with this matter as quickly as we can, and that we will appropriate this money.

I have no doubt that open housing will take care of itself and that the United States, if it is given the chance, will take care of itself in the atomic energy program and in its future.

(At this point Mr. Spang assumed the chair.)

Mr. BROOKE. Mr. President, I rise to speak in support of the amendment offered by the distinguished senior Senator from Rhode Island.

Executive Order 11063 and title VI of the 1964 Civil Rights Act require that Federal agencies plan and execute all programs in a manner offering maximum opportunity to all citizens. As the President repeatedly has noted, the re-

lationship of housing to job opportunities is clear, direct, and crucial.

The Federal Government should not condone racial discrimination by rewarding it with Federal grants. The State of Illinois should not benefit from a multimillion-dollar atomic power installation when it is unwilling to open community housing to Negro citizens who will live and work there.

The exercise of the economic power of the Federal Government is a perfectly proper way to demonstrate our true commitment to progress in guaranteeing equal rights and opportunities. The Federal Government should put its money where the principles and guarantees of the Constitution and laws are respected.

Mr. President, I am a great believer in the value of our federal system. The States should take the lead in assuring that their citizens receive the full measure of their constitutional benefits. And those States which have done so are to be commended.

But delay by a State, or complete refusal to act at all, should not compel the Federal Government to continue to abstain. When a State chooses not to insure that its citizens will receive the benefits guaranteed them by the U.S. Constitution, this is the time at which it is most imperative for the Government of the United States to act.

I am aware of the fact that Weston, the community which has been recommended as the site for the facility in question, has adopted its own open-housing ordinance. I applaud this, and I regret whatever economic or other damage may be visited upon Weston because of the refusal of the remainder of the State of Illinois to follow its example. However, we must deal with this problem in practical terms. A project of this nature will bring millions of dollars to the Illinois economy. It will bring a multitude of new Federal employees to dwell within the State. Comparatively few will reside in Weston. Weston will reap a relatively small profit from this project. People will seek to live in many communities which do not guarantee equality in housing opportunities. Many cities and towns which do not promise open housing will reap the benefits of such a decision. The sound ordinances of Weston will be of no effect in neighboring communities which have failed to adopt such ordinances. This is a subject which can only be handled by the passage of State legislation and by the strong enforcement of such laws. Illinois has not only failed to act in the past but has yet to take even the first steps in this direction. It has in fact, only last month, served notice of its continued refusal to do so by defeat of a proposed fair-housing law.

The State of Illinois had in fact been warned that its refusal to act to implement the constitutional guarantees of equality for all of its citizens could result in the loss of this very project. On April 12 of this year, Chairman Seaborg of the Atomic Energy Commission appeared in the State of Illinois at the invitation of Governor Kerner and made the following comment:

There is no question in our minds but that the issue of housing discrimination will be debated when the Atomic Energy Commission authorization bill goes to the floor of Congress within the next few weeks. Those offering and defending authorization of the project will need all of the evidence of positive action to eliminate discrimination in housing they can obtain. Frankly, at the moment, the AEC has little to offer. The commitments sought from communities in the Weston area have failed to materialize . . . You may also ask if it is actually feasible to move the site from the state of Illinois. Political issues aside, it certainly is feasible to move the site.

Thus, the Atomic Energy Commission is clearly on record to the effect that the failure to make progress toward the goal of fair housing for all citizens could well result in the loss of this project. Despite this warning, Illinois still refused to act.

Mr. President, it has been suggested that passage of this amendment will lock Congress into a policy of eternally rejecting the claims of States which have yet to adopt open-housing legislation. This is simply not true. Each award of a project should be examined on its merits. The national interest in placing a particular facility in a particular State should be considered. The progress made by a State in combating discrimination should be one of the factors weighed in the balance. In the case of Weston, I believe that the failure on the part of the State of Illinois to act upon the opportunity to adopt fair-housing legislation outweighs the positive reasons for creation of the facility in this area.

Mr. President, much has been made of a resolution adopted by the board of directors of the NAACP approximately 1 year ago, in which the directors declared that they had no preference among the six communities which were receiving final consideration for the award of the proton accelerator project. This resolution was based upon a recognition that racial discrimination existed in each of the communities involved and that a choice among them was little more than a "choice of poverty." Far more recently, on June 16, 1967, Mr. Roy Wilkins, executive director of the NAACP, wrote to Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, as follows:

Since Illinois Senate today voted to kill fair-housing bill, NAACP calls upon Atomic Energy Commission to revoke award of atomic installation to Weston, Illinois on ground the state has no guarantee in law against racial discrimination in the sale or rental of homes. . . .

It is obvious that the year-old resolution of the NAACP has been superseded in light of the recent refusal of the Illinois Legislature to adopt fair-housing legislation, and that the NAACP is now strongly on record in opposition to location of the facility in question in Weston, Ill.

Mr. President, we have a chance to make a fresh start. In answer to the distinguished senior Senator from Tennessee, we are not trying to uproot a facility which has been operating. We are not casting reflections upon previous decisions. This is an opportunity to assure that a new project will be constructed in

accordance with the philosophy of the Civil Rights Act of 1964, not in opposition to that philosophy.

I am well aware that there are a large number of projects already located in States which have yet to adopt even the most rudimentary kind of fair-housing legislation. A few which are frequently mentioned are Cape Kennedy in Florida, the Redstone Arsenal in Alabama, and the TVA projects in Tennessee, Alabama, and Kentucky. Even the Pentagon in Virginia falls into this category.

This is an unfortunate situation, but adoption of the philosophy upon which this amendment is based will in no way interfere with the continued operation of these facilities. I must add at this point that these projects which are so frequently mentioned were all constructed long before the statement in the 1964 Civil Rights Act that the Federal Government would no longer tolerate discrimination in projects for which it was responsible. We are not attempting to correct past mistakes. We are attempting to insure that these mistakes will not be repeated in the future.

Mr. President, it is past time that the Federal Government took the initiative in the struggle to achieve equal rights for all Americans. Today we have a golden opportunity not to talk about implementing our commitment to equal opportunity for all Americans, but to act. It is an opportunity for the Senate to let business, industry, and the country know that fair housing is a *sine qua non* for all future projects of the Federal Government.

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

Mr. BROOKE. I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I wish to commend the Senator from Massachusetts for his forthright statement on the position he takes. I share with him many of the expressions he has made. I would like to comment on one point.

The Illinois State Legislature has been maligned in this Chamber today and has been pointed out as having failed of its duty. I think it would be unfortunate if I did not make it perfectly clear that not only has the Illinois State Legislature, both in the house and in the senate, worked in a number of committees to present bills on the floor; but also the House, under the Republican leadership, overwhelmingly supported an open occupancy bill and reported it. The Senate did consider on the floor, at least, open occupancy legislation, but it was regrettably voted down.

When we in this body voted down and did not make possible the passage of the bill that was voted out of the House of Representatives, and when we in 1967 have not brought forth from committee, in either the House of Representatives or the Senate, an open occupancy bill or civil rights bill to redress many wrongs that are apparent in our country today through discrimination, and senseless discrimination, we should point to the fact that the Illinois State Legislature is composed of human beings, as is any other legislature.

This matter has been presented and

debated in the Illinois Legislature and the leadership, at least, has voted for legislation to take care of the situation locally; they would like to do it on a State level rather than a Federal level. We have made great progress at the community level, which is the level closest to the State.

Mr. BROOKE. All that the Senator has said is true. The Senator from Massachusetts is well aware of the fact that the Illinois House did report open housing legislation and that it was defeated by the senate in that State. However, the fact remains that this is a new project. We are not now dealing with projects which were granted by the Federal Government prior to the 1964 civil rights legislation and prior to the policy which was adopted by the Federal Government, that there be open housing where Federal projects are concerned.

Illinois was well aware of this fact. The State government knew at the time it defeated open housing legislation that Illinois was being considered for this particular project. It further knew of the 1964 Civil Rights Act and the subsequent policy of the Federal Government. In the face of this knowledge, the Senate of the State of Illinois defeated open housing legislation. It would seem that they were saying, in effect, "We do not care if we do not get this particular project. It is more important to us that we do not have open housing in the State of Illinois." This, of course, does not apply to the house, but it does apply to the senate, and as a result it applies to the legislature because legislation was not passed in June of this year.

Therefore, they are, in effect, asking the Federal Government to turn its back on a change in American society which has been coming for a long time, to turn its back on the 1964 Civil Rights Act and all that it has signified, and to reward the State of Illinois for doing the same.

We are not only talking about the towns of Weston and Wheaton, for these are relatively small towns. We know they will not accommodate all of the people who will have to go to live in Illinois in order to participate in this project.

Negroes living in ghettos in Chicago, if they are able to obtain jobs in this project, will have to travel the long road to get them. Travel is expensive, and the expense and inconvenience will deprive many of them of the opportunity to get these jobs. The vicious cycle is repeated over and over again.

To argue that it might affect the TVA, or projects in Florida, or other States, where installations were developed before 1964 is an unfortunate and specious argument, because we are talking about new projects and a new policy that should be in effect in this country.

I am very hopeful that the amendment will be adopted. We have an opportunity, and we should avail ourselves of it, to insure that Federal money shall not be spent on projects which will not give to all Americans an equal opportunity for the jobs created, and the

equal opportunity to live in housing in the vicinity of those jobs.

I am certainly sympathetic to the other issues which have been raised by the distinguished Senator from Illinois, because I know how he feels about civil rights legislation. I know how much this project means to the State of Illinois. But I think the principle here is such an important one that we certainly should, at this time, take the opportunity and see that Federal money, from this day forward, does not go into areas where there are no open housing laws already on the books.

Mr. PERCY. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Does the Senator, then, intend to introduce today an amendment to the bill to take out the authorizations upon which we are to vote today for Project 68-4-g, laboratory energy storage facility, Los Alamos Scientific Laboratory, New Mexico, for \$8,500,000; and for the Los Alamos Scientific Laboratory, New Mexico and Nevada Test Site, Nevada, for \$2 million? Should we then go through and take out Project 68-1-b, Replacement Storage Tanks, Richland, Wash., for \$2,500,000, if we are to carry out the principle of the distinguished Senator from Massachusetts who said, "from this day forward," that we should approve no projects that do not have open occupancy legislation?

Mr. BROOKE. All of the projects to which the distinguished Senator has referred are in existence at the present time. I am talking about new projects which are to be started, such as the one in Weston, Ill. As the Senator from Massachusetts interprets the legislation—and I may be corrected by the distinguished chairman—it is my understanding that these other projects are, or have been, in existence for a period of time. If I am in error, I should like to be corrected.

Mr. PERCY. I have just been advised by my technical assistant that these projects were not in existence, that they do not differ in degree, then, from the project in Weston. If the principle the Senator from Massachusetts has enunciated is to be carried out, then he should be introducing amendments at this time for those projects.

Mr. BROOKE. The Senator from Illinois mentioned Project 68-1-b, replacement waste storage tanks, Richland, Wash., \$2,500,000. Certainly the replacement of waste storage tanks must be for a project already in existence.

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield at that point?

Mr. BROOKE. I yield.

Mr. PASTORE. The establishment is there. This may be somewhat of an enlargement to accommodate what is already there. But insofar as employment is concerned, the people are already living there. It may be a good or a bad situation. I do not know. However, I think the Senator from Massachusetts made a very cogent distinction. The project at Weston will be brand new. Therefore, we should be putting our best

foot forward. Let us put it on firm ground and do what needs to be done to carry out the philosophy of the civil rights law of 1964 when it was adopted.

Mr. BROOKE. I thought I made it quite clear that I am not suggesting that the Government not appropriate any more money, say, to Cape Kennedy in Florida, or that the Government not appropriate more money for the TVA project in Tennessee. I made that clear. I am not suggesting that at all. I am merely distinguishing the two, in saying that this will be a new project in Weston, one which has never been started, one of which many States in this country placed bids. I am saying that the awarding of this project should not be made to any section of the country, to any city or any town, where there are no open housing provisions.

Mr. PERCY. I think that one of the factors we seem to be missing is the principal argument of the Atomic Energy Commission, the Site Selection Committee, and certainly the Joint Committee on Atomic Energy, in its overwhelming vote, to support this project, the point that they have continuously made, that the project is in the national interest and that we should select the site where the project can be best carried out.

One of the controlling reasons, one of the concluding arguments, and certainly the most important argument for placing it at Weston, is that it is readily accessible to Argonne National Laboratories which has been long established, and that it will be a complete intermixture of these communities as to technical knowledge, libraries, computer facilities, and access from one facility to the other. That certainly was one of the major factors which led us to the conclusion that Weston was unique in its qualifications to carry forward this project, and that since it was in the national interest, that the project should be located there.

Of course Illinois wants the project. Of course we, along with every other State in the Union, sought the project. But, actually, the project sought the location. We did not invent the idea of an accelerator. That thought came from the scientific community. The Atomic Energy Commission announced that it was about to find a site and they wanted to find the best site possible. There is no question, and no argument has been made that could diminish the fact that the combined resources of the communities in Illinois, in the Chicago area, offer the best resources for this project to be carried forward in the national interest. I therefore believe that the pending amendment should be defeated.

However, at the same time, I say that with the defeat of this amendment and approval of the project for Weston, we will not cease our efforts to move forward in offering opportunities for equality of opportunity in housing throughout the State of Illinois.

Mr. BROOKE. Does the Senator intend to convey the impression that Weston, Ill., is the only site which can adequately do the job?

Mr. PERCY. Not at all. I simply say

that the evidence is overwhelming that it is the best site. It is exactly what the Commission set out to establish when it began to investigate sites. Why should we take a second best site, if Weston is the best site for one of the most important instruments ever to be developed and built in this world?

Mr. BROOKE. I am sure that the Senator is well aware that there was a site committee and that the committee made an exhaustive study—I think the study lasted some 9 months—and that there were several classifications. Finally, the number of sites was narrowed down to six. At the time the committee made its final report on these six sites, of which Weston was one, the committee was also well aware of the policy of the Federal Government as expressed in the 1964 Civil Rights Act, and well aware of the policy of the Atomic Energy Commission respecting open housing.

Now, it would appear that when the committee made its report, open housing legislation was then pending before the Illinois Legislature. The committee had reason to believe that this legislation would be adopted by the State of Illinois but, in fact, the legislation was defeated.

Does the Senator from Illinois have any evidence, any statements, any documents, which would indicate that since the defeat of open housing legislation by the Illinois Legislature the committee has still held out that Weston is the one and only unique location which it must have for this particular project?

Mr. PERCY. I have talked to the Atomic Energy Commission and I have talked over a period of several years to members of the Site Selection Committee. When they reached their final, unanimous report, there was no indication of any kind that, in their judgment, this was not the best site. Now it is true that, on balance, the Commission, members of the Site Selection Committee, and members of the congressional committee, and so forth, would have preferred that Illinois have an open occupancy law. But, I think they very wisely—

Mr. BROOKE. Will the Senator from Illinois yield?

Mr. PERCY. I should like to finish this comment first.

Mr. BROOKE. Certainly.

Mr. PERCY. I think they very wisely did not feel that the existence of the law would insure or guarantee equality of housing or lack of discrimination because, better than anyone, the Senator from Massachusetts knows that in those States where there are laws now—in 20 States—there still exists discrimination, and there still exists inequality of housing. There is not a single site of the other sites within the area where one could not find discrimination in every town, in every village, in every community surrounding any one of those other sites.

In fact, in the State of New York open occupancy legislation has been in effect for years. Yet when African delegations came here to represent their countries in New York, there was such widespread discrimination that it was necessary for Ambassador Stevenson to set up a special committee, with representatives of

the Governor, the mayor, and the United Nations, to work not just within the framework of the law—because the law was not working—but to work, just as we are working in Illinois, whether we have a law or not, to remove every vestige of discrimination. But there is discrimination, as the Senator well knows in many of these communities. For that reason, the commission very wisely said that one of the factors was that they would have liked to have had a law. It would have made it easier. It certainly would have made it easier for the Senators from Illinois. There is discrimination every place, but there is no more discrimination in Illinois without a law than in other places with a law.

Mr. BROOKE. Is the Senator suggesting that because there is discrimination in the 20 States that have open housing laws on their books, that this is a reason for not enacting open housing legislation?

Mr. PERCY. Not at all. I would hope to see it in every one of the 50 States. I would like to see it in every local community, because ordinances would be far more effective and far more easily implemented than legislation that comes from a higher order of government, further removed from the people of that community. But I say that, notwithstanding the fact that there are States with open housing legislation, there is not an iota of evidence to prove those laws have removed discrimination. In fact, an Illinois commission appointed by a Democratic Governor studied discrimination throughout the country and came to the conclusion that the existence of such a law did not of itself in any way remove discrimination or other inequalities. It will help, but it is only one of the many steps that must be taken, and it is going to be one of the steps we will take; but, in the absence of it, the State of Illinois is taking many, many other steps.

Mr. BROOKE. Mr. President, one final question. The Senator from Illinois mentioned that the Atomic Energy Commission had stated a preference that there be open housing legislation in Illinois. Does the Senator mean that the Atomic Energy Commission did not intend that it be mandatory that there be open housing legislation in Illinois in order for this project to be granted?

Mr. PERCY. To the best of my understanding, the Commission never took that position. In a visit to Illinois, the Chairman of the Commission indicated a hope that there would be such legislation, but it was never a condition precedent to the granting favorably of one location over another. At no time did the Commission ask for legislation.

Mr. BROOKE. Insofar as the Atomic Energy Commission was concerned, was it not its policy that there be open housing legislation in the State of Illinois as a condition precedent to the granting of this project?

Mr. PERCY. I do not believe so at all.

Mr. BROOKE. Would the distinguished Senator from Rhode Island state at this time just what the policy of the Atomic Energy Commission was insofar as open housing legislation in the State of Illinois was concerned?

Mr. PASTORE. In the original criteria, while they did not use the words "civil rights," they did say "adequate housing" for the 2,000 employees that might be there. Then, later on, the AEC specifically made civil rights an issue in their visits to the sites under consideration starting in April 1966. They also reiterated it again in 1967 in press releases.

One of the primary considerations was electric power. Another was civil rights and nondiscrimination. They clearly made it a prerequisite in that respect. In visiting Denver, Colo., that is one of the questions the Commission asked. As a matter of fact, I understand that is the question they asked in every one of the six sites. So I say again the Atomic Energy Commission raised the issue.

Mr. BROOKE. And they raised the question on every site?

Mr. PASTORE. On every site they raised the question of housing.

Mr. BROOKE. They were trying to assure themselves, then, that every one of these sites would offer open housing, adequate housing, and no discrimination in housing or discrimination in job opportunities?

Mr. PASTORE. That is right, but they did not talk about a law. But it is a remarkable thing that the one State they chose was the only one of the six States that did not have an open housing law.

Mr. BROOKE. The Senator from Illinois has suggested that because an ordinance has been passed in Weston, this would assure adequate housing or open housing as far as this project is concerned. Does the Senator have any information as to what enforcement powers are involved under the ordinance of Weston?

Mr. PASTORE. As a matter of fact, Weston disappears once this accelerator is constructed. So there we have a moot question. But as I indicated today—

Mr. BROOKE. So the ordinance, if the Senator will yield, is of no real value?

Mr. PASTORE. Not insofar as Weston is concerned. But we must go a step further.

On June 29, the House passed the AEC authorization bill. On July 3, Weston passed what I and many other people consider to be a reasonably good open housing law. Only yesterday, Joliet did a similar thing.

The position I took—which is somewhat contrary to the position being taken by the Senator from Massachusetts—was that, while I did not go so far as to insist upon a State statute, I did insist that the vicinity around the project should be of such a character that no one would have any trouble at all in finding housing because of religion, race, or color.

Mr. BROOKE. How would the ordinances passed by Wheaton and Joliet be enforced?

Mr. PASTORE. Like any other ordinance would be enforced. I have the ordinances here. I have not studied them in detail, but I understand from the Joint Committee staff, who have read the Wheaton ordinance, that it is satisfactory. I do not know about Joliet. Since it was passed only yesterday we have not had time to study it.

I have a communication from Governor Kerner, who, incidentally, has

been very cooperative. At this time, I ask unanimous consent that the ordinance passed by the city of Joliet, Ill., and the ordinance passed by the town of Wheaton, Ill., be printed in the Record.

There being no objection, the ordinances were ordered to be printed in the Record, as follows:

ORDINANCE OF THE CITY OF JOLIET, ILL.

An ordinance prohibiting certain practices in discrimination in housing accommodations because of race, creed, color, national origin or ancestry by real estate brokers

Be ordained by the City Council of the City of Joliet, Illinois:

Section 1: The Code of the City of Joliet is hereby amended by adding hereto the following Ordinance.

Section 2: Discrimination of Policy: It is hereby declared the policy of the City of Joliet in the exercise of police powers for the protection of the public health, public morals, and its power to license and regulate real estate brokers for the maintenance of business and good government, and for the promotion of the City trade, claims, and manufacturing to insure equal opportunity to all persons to live in decent housing facilities regardless of race, creed, color, national origin, or ancestry, and to prohibit discrimination in housing by licensed or unlicensed brokers, real estate salesmen, and agents.

Section 3: Definitions: As used in this Ordinance, unless a different meaning appears in the context, the following terms shall have the meaning ascribed in this section:

A. The term "unfair housing practice" including any difference in treatment in the sale, lease, rental, or financing of housing accommodations because of race, color, creed, national origin or ancestry.

B. The term "housing accommodation" includes any building, structure or portion thereof which is used or occupied or is maintained, alleged, or designed to be used or occupied as a house, residence, or sleeping place of one or more human beings.

C. The term "real estate brokers" means any person required to be licensed under State law or any other person carrying on the business or actions normally done by a broker, salesman, or other employee.

Section 4: Prohibited Act: It shall be an unfair housing practice and unlawful for any real estate broker with regard to any real estate within the corporate boundaries of the City of Joliet:

A. To make any distinction, discrimination or restriction against any person in price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential purposes in the City of Joliet or in the furnishings of any facilities or services in connection therewith predicated by the race, color, creed, national origin or ancestry of the prospective buyer or tenant thereof.

B. To publish, circulate, issue, or display any communication, notice, advertisement, sign or other writing of any kind relating to the sale, rental, or leasing of any residential real property within the City of Joliet which will indicate or express any restriction or discrimination in the sale, rental or leasing of such residential real estate predicated by the race, creed, color, religion, national origin or ancestry of any prospective buyer, leasee, or renter of such property.

C. To refuse to sell, lease, or rent any real estate for residential purposes within the City of Joliet because of the race, creed, religion, national origin or ancestry of the proposed buyer or renter.

D. To discriminate or participate in the discrimination in connection with the bor-

rowing or lending of money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any residential housing unit or housing accommodation in the City of Joliet because of race, color, creed, religion, national origin, or ancestry.

E. To cheat, exploit, or overcharge any person for residential housing accommodations in the City of Joliet because of race, color, creed, religion, national origin or ancestry.

F. To solicit orally or in writing for sale, lease, leasing for sale or lease residential real estate within the City of Joliet on the ground of loss of value due to the present or prospective entry of any neighborhood of any person or persons of any particular race, color, creed, religion, national origin, or ancestry.

G. To distribute or cause to be distributed written material or statements designed to induce any owner of residential real estate in the city of Joliet to sell or lease his property because of any present or prospective change in the race, creed, color, religion, national origin, or ancestry of persons in the neighborhood.

H. To refuse examination of any listing of residential real estate within the City of Joliet to any person because of race, color, creed, religion, national origin or ancestry.

Section 5: Duties of the Commission on Human Relations. It shall be the duties of the Commission on Human Relations to:

A. Initiate, receive, and investigate complaints charging unlawful housing practices.

B. Seek conciliation of such complaints, hold hearings, make findings of fact, issue orders, and publish its findings of facts and orders in accordance of the provision of this Ordinance.

C. Render from time to time but not less than once a year a written report of its activities and recommendations with respect to fair housing practices to the Mayor and City Councils.

D. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of the Ordinance.

Section 6: Procedures: Any person aggrieved in any manner by the violation of the provision of this Ordinance shall file a written complaint setting forth his grievance with the Commission on Human Relations. Said complainant shall state the name and address of the complainant and of the person against whom the complainant is brought, and shall also state the alleged facts surrounding the alleged violation of this Ordinance. After the filing of any complaint, the Commission shall make a prompt investigation therewith, and if the Commission shall determine after such investigation that proper cause exists for crediting the allegations of the complainant, it shall immediately endeavor to eliminate the unlawful discriminatory practices complained of by conference, conciliation, and presentation. In case of failure to eliminate such practices or in advance thereof, if in the judgment of the Commission, circumstances so warrant, it shall cause to be issued and served in the name of the Commission a written notice together with copies of such complaint to all parties of a full hearing of the complaint at a time and place to be stated in such notice. The real estate broker charged with having engaged in or engaging in the unfair housing practices shall have the right to answer the complaint, to appear at the hearing in person, to be represented by counsel, and to submit testimony. The complainant shall be allowed to present testimony in person and be represented by counsel.

Such hearings shall be conducted by the Commission. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law and equity. The Com-

mission shall have full power to subpoena witnesses and pertinent documents, which power may be enforced by the Commission by proper petition to the Circuit Court of the 12th Judicial Circuit. The Commission shall have power to administer oaths and to take sworn testimony. In the conclusion of the hearings, the Commission shall render a written report and recommendations which shall be served by mail to the parties. No report shall be delayed more than 60 days after the date of the issuance of notice for the commencement of the first hearing.

Section 7. Penalties

A. Any complainant or respondent shall apply for and obtain judicial review of any order of the Commission issued pursuant to Section 6 of this Ordinance including the refusal to issue an order in accordance with the provision of "administrative review act" approved May 8, 1945, and all amendments and modifications thereof; and in the event the order is affirmed, the Commission may obtain an order of the court for its enforcement in the same proceeding.

B. Whenever the Commission shall be of the opinion that any person has violated or is about to violate an order of the Commission issued pursuant to Section 6 of this Ordinance, the Commission shall commence an action in the name of the people of the City of Joliet in the Circuit Court of the 12th Judicial Circuit by petition alleging the violation, attaching a copy of the order of the Commission and praying for appropriate relief. The Court which shall have jurisdiction of the proceeding and shall have power to grant such temporary relief or restraining order, permanent restraining order, and such other relief as may be deemed just and proper. The provision of the Civil Practice Act including the provision for appeal and/or existing and future amendments of said act and modifications thereof and the rules now or hereafter adopted pursuant to said act shall apply to all proceedings hereunder except if otherwise provided in this Ordinance.

The proceedings provided in Section 6 shall be commenced in the Circuit Court in and for the county wherein the unfair housing practice, which is the subject of the Commission's said order, was granted.

C. The Commission shall be empowered at the conclusion of such proceedings and as part of its report to recommend to the Mayor of the City of Joliet the suspension or revocation of the broker's license of any broker licensed by the City of Joliet who shall have been a respondent to any proceeding thus filed and found guilty of violation of any applicable provision of this Ordinance. Any broker whose license has been suspended or revoked by the Mayor, or any complainant aggrieved by the decision of the Mayor shall have full right to appeal from such order of suspension or revocation in accordance with procedures specified in the Administrative Review Act of Illinois. The order of the Mayor shall be final and transmitted to the Commission as part of its record, and it shall serve a copy thereof on the Respondent and any appeal may be taken thereafter.

D. In addition thereto, the Mayor may direct the corporation council to file with the Department of Registration and Education with the State of Illinois a complaint against any real estate broker found guilty of violating any provision of this Ordinance, seeking suspension or revocation of the license issued to such broker by the State of Illinois.

Section 8. Severability: If any section of this subdivision, paragraph, sentence, or clause of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect any remaining portion, section, or part thereof.

Section 9. All Ordinances or parts of ordinances conflicting herewith are hereby repealed.

Section 10. This Ordinance shall take effect upon its passage, approval, recording, and publication according to law.

ORDINANCE NO. E-914, WHEATON, ILL.

An ordinance to license and regulate real estate brokers and prohibit unfair real estate practices

Be it ordained by the City Council of the City of Wheaton, Illinois:

Section 1. The Code of the City of Wheaton, Illinois (1955) is hereby amended by adding the following chapter thereto:

"CHAPTER 35—DISCRIMINATION IN REAL ESTATE TRANSACTIONS

"Section 1. Declaration of policy

"It is hereby declared by the City Council of the City of Wheaton to be in the best interest of the health, safety and welfare of the people of the City of Wheaton to license and regulate real estate brokers and to assure equal opportunity to all persons who engage in real estate transactions regardless of race, color, religion, ancestry or national origin and to that end to prohibit discrimination in real estate transactions.

"Section 2. Definitions

"As used in this Ordinance, unless the context otherwise requires:

"(a) The term *real estate broker* means any natural person, partnership, association or corporation, or agent thereof, who for a fee or other valuable consideration sells, purchases, exchanges, rents (or offers or negotiates to do any of the foregoing) real property of another, or holds himself out as engaged in the business of doing any of the foregoing, or manages and collects rental from the real property of another.

"(b) The term *real estate* includes any building, structure or portion thereof in the City of Wheaton which is used or occupied, or is maintained, arranged or designed to be used or occupied as a home, residence, sleeping place of one or more persons, place of business or office, but such term shall not include rooms for rental to one or two persons in a single-family dwelling, the remainder of which is occupied by (1) the owner or members of his immediate family, or (2) a lessee of the entire dwelling or members of his immediate family.

"Section 3. Licenses

"It shall be unlawful for any person to act as a real estate broker in this City without obtaining a license to do so. A license may be issued to an association, co-partnership or corporation only if all members and officers of such association, co-partnership or corporation who actively participate in the brokerage business of such association, co-partnership or corporation are duly licensed as real estate brokers.

"Application for a license and a renewal of license shall be filed with the Clerk upon forms supplied by the Clerk and containing: the name, residence address, business address, date of birth, length of experience in dealing in real estate, the date and number of applicant's current certificate of registration from the State, and such other pertinent information as the Council shall require to carry out the intent and purpose of this Ordinance, and if the applicant is not registered with the State, the application shall be accompanied with a statement by the applicant, under oath, that the applicant is not required to be registered by the State.

"All applications for licenses or renewals thereof shall be referred to the Council. If the Council finds that the applicant has complied with all of the provisions of this Ordinance, it shall approve the application and a license or renewal thereof shall be issued to the applicant. A license or the renewal thereof may be refused or an existing license suspended or revoked by the Council for any violation of this Ordinance or for any causes set forth in Ill. Rev. Stat. Ch. 114 1/2

Sec. 8 as the same now is or may hereafter be amended.

"In the event any license or renewal of license is refused and a hearing has not already been granted, the applicant may, by filing a request with the Clerk within twenty (20) days of the date of such refusal, have the matter of such refusal heard by the Council, or some board or commission designated for such purpose by the Council. If such hearing is before the Council it shall make its determination by adopting an appropriate resolution. If such hearing is before a board or commission designated by the Council, such board or commission shall hear the testimony of sworn witnesses and such other evidence as may be produced and shall prepare findings of fact which shall be submitted to the Council along with a recommendation. The Council shall make its determination by adopting an appropriate resolution.

"Licenses issued hereunder shall be for the period February 1, through January 31, and shall be renewable annually during the month of January. The annual fee for any license or renewal of license shall be for \$25.00 and shall accompany the application for issuance or renewal of license.

"It shall be unlawful for any real estate broker or real estate salesman to negotiate the sale, purchase or exchange of any real property either by proposal to purchase, offer, option, agreement for deed, or any other agreement without reciting in such document a statement as to the zoning classification of the property involved in such transaction under the Wheaton Zoning Ordinance as the same is set forth in the then current Zoning Map published by the City.

"Section 4. Prohibited acts

"No owner of real estate, lessee, sublessee, real estate broker or salesman, lender, financial institution, advertiser, or agent of any of the foregoing, shall discriminate against any other person because of the religion, race, color or national origin of such other person or because of the religion, race, color, or national origin of the friends or associates of such other person, in regard to the sale or rental of, or dealings concerning real estate. Any such discrimination shall be considered an unfair real estate practice. Without limiting the foregoing, it shall also be an unfair real estate practice and unlawful for any real estate broker or other person to:

"(a) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign, or other writing of any kind relating to the sale, rental or leasing of any real estate which will indicate or express any such discrimination.

"(b) Exploit or overcharge any person for real estate because of race, color, religion or national origin.

"(c) Solicit for sale, lease, or listing for sale or lease, of any real estate on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion or national origin.

"(d) Make, distribute or cause to be made or distributed any written material or statements designed to induce any owner of real estate to sell or lease his property because of any present or prospective change in the race, color, religion, or national origin of persons in the neighborhood.

"(e) Refuse to sell, lease or rent, any real estate because of the race, color, religion or national origin of the proposed buyer or tenant.

"(f) Refuse examination of copies of any listing of real estate to any person because of race, color, religion or national origin.

"(g) Enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, creed, religion or national origin.

"(h) Act or undertake to act with respect to any real estate, the disposition of which is prohibited to any person because of race, color, religion or national origin.

"Section 5. Limitations

"Nothing in this ordinance shall require an owner to offer property to the public at large before selling or renting it, nor shall this ordinance be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin.

"Nothing in this ordinance shall require an owner to offer property for sale or lease to any person if the owner has any reason to believe that such person is not negotiating for the purchase or lease of such property in good faith.

"Section 6. Duties of Human Relations Commission

"It shall be the duty of the Wheaton Human Relations Commission (a) receive and investigate complaints charging unfair real estate practices; and (b) seek conciliation of such complaints, seek compliance by violators, hold hearings, make findings of fact, issue recommendations and publish its findings of fact and recommendations in accordance with the provisions of this Ordinance.

"Section 7. Procedures of Human Relations Commission

"Any person aggrieved in any manner by an unfair real estate practice may file a written complaint setting forth his grievance with the commission. Said complaint must be filed within 90 days of the commission of the alleged unfair real estate practice and shall state the name and address of the complainant and of the person or persons against whom the complaint is brought, and shall also state the alleged facts surrounding the alleged unfair real estate practice.

"After the filing of any complaint, the Chairman of the Commission shall designate three of the members to make a prompt investigation in connection therewith; and if such members determine after such investigation that probable cause exists for crediting the alleged unfair real estate practice, they shall immediately endeavor to eliminate the alleged practice by conference, conciliation and persuasion. In case of failure to eliminate such practice or in advance thereof, if in their judgment circumstances so warrant, they shall send a copy of such complaint, or a description of the alleged practice in the event no complaint has been filed, to all parties, and at the same time notify them of a full hearing of the alleged practice, at a time and place to be specified in such notice. Any real estate broker or other person charged with the unfair real estate practice shall have the right to file an answer, and he and complainant may appear at the hearing in person or be represented by counsel, and submit testimony.

"Such hearing shall be conducted by the Commission. The Commission shall not be bound by the strict rules of evidence. The Commission shall have power to administer oaths and to take sworn testimony. At the conclusion of the hearings, the Commission shall render a written report and recommendations which shall be served by mail upon the parties. No report shall be delayed more than sixty days after the date of the issuance of notice for commencement of the first hearing.

"Section 8. Sanctions for violations

"At the conclusion of the hearing provided for in section 7 the Commission may, as part of its report, recommend to the City Council:

"(a) the suspension or revocation of the license of any real estate broker found to have committed an unfair real estate practice; (b) the filing of a complaint with the Department of Registration and Education

of the State of Illinois, against any real estate broker found to have committed an unfair real estate practice, seeking suspension or revocation of the license issued to such broker by the State of Illinois; and (c) the filing of proceedings against any person found to have committed an unfair real estate practice."

"Section 9. Penalty

"Any person committing an unfair real estate practice shall, upon conviction thereof, be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

"Section 10. Severability

"If any subdivision, paragraph, sentence or clause of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect any remaining portion, section or part thereof."

Section 2. The City Clerk shall cause this Ordinance to be published in pamphlet form.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication pursuant to law.

KARL F. HEIMKE,
Mayor.

Attest.

HELEN B. PERUSSE,
City Clerk.

Mr. PASTORE. Insofar as enforcement is concerned, in the case of Joliet, I understand that the brokers could lose their licenses for violation of the ordinance.

Mr. BROOKE. The brokers?

Mr. PASTORE. That is under the Joliet ordinance. In the other case, in the case of the Wheaton, I think it is a little more severe. In that case, I understand that not only brokers are prohibited from discriminatory procedures, but also the owner himself.

I must reiterate, in any event, that those who have studied the ordinance thought it was a step forward, and rather satisfactory.

Mr. BROOKE. What would be the distance from this project to Chicago?

Mr. PASTORE. I would say about 30 miles or so. I have never measured the distance. Perhaps others would know better than I.

Mr. DIRKSEN. From Wheaton, which is a town of 26,000, it is 6 miles.

Mr. PASTORE. He did not say that. He said from Chicago.

Mr. DIRKSEN. Please let me finish. From Joliet, a town of about 60,000, it is 20 miles, and from Chicago, about 30 miles.

With respect to enforcement, I do not know whether the Senator has ever served on a city council, but in Illinois we always use the corporation council to take care of enforcement of any ordinance. It is enforced according to its terms.

Mr. PASTORE. Section 9 of the Wheaton ordinance reads:

Any person committing an unfair real estate practice shall, upon conviction thereof, be sentenced to a fine of not less than \$100 nor more than \$500.

Mr. DIRKSEN. That is the thing to be enforced. But your corporation council enforces it.

Mr. BROOKE. That is the enforcement procedure for a city or a town.

Mr. DIRKSEN. That is right.

Mr. BROOKE. There would be a dis-

tance of 30 miles to Chicago from this area where the project would be located, or a round trip of 60 miles a day. Of course, if anyone wanted to live in Chicago and work at the project, he could make this round trip, but it would be quite expensive.

Mr. DIRKSEN. I can show the Senator thousands upon thousands of people who live where I live, 30 miles from Washington, who fairly congest the highways in the Washington area in order to get to work.

Mr. BROOKE. But they are not denied the right to live in an area closer to their job, are they?

Mr. DIRKSEN. They can live wherever they like.

Mr. BROOKE. That is exactly the point I am trying to make. They can live wherever they like; and if they voluntarily choose to go 30 miles to work, that is perfectly all right.

But the policy of the AEC and of the Federal Government, under the 1964 Civil Rights Act, as I interpret it, was that all employees should have the opportunity to live wherever they like, under the Constitution and laws of this country.

Mr. DIRKSEN. Thirty miles away is an opportunity in this country, as we see it.

Mr. BROOKE. Not if you wanted to live next door to the plant where you work.

Mr. DIRKSEN. How many people live next door to the plant where they work today?

Mr. BROOKE. The point is that a person should be able to do so if he desires to do so.

Mr. DIRKSEN. That is exactly what we are trying to do in this whole area.

Mr. BROOKE. That is what I am trying to accomplish. That is why, Mr. President, I ask that the amendment be adopted.

Mr. BENNETT. Mr. President, I support enactment of H.R. 10918. I believe the committee has performed a creditable job in analyzing the AEC's entire budget, recommending reductions where appropriate and providing policy guidance to the executive branch in a number of important areas.

One of the AEC's most significant programs pertains to the procurement of uranium concentrates. This program has resulted in the creation of a large domestic uranium mining and milling industry which has produced and delivered material vital to our national defense, and the foundation of our burgeoning nuclear power program. My own State of Utah has made important contributions to the national effort to obtain an adequate uranium supply, and we shall continue to do so. That huge new reserves of uranium must be discovered and developed is obvious from the AEC's latest forecasts of installed nuclear capacity by 1980—120,000 to 170,000 megawatts.

We on the committee regard the primary responsibility for satisfying commercial uranium demands as lying with private industry. However, the Government also has certain responsibilities in this area. For example, the AEC should remain in a position to evaluate and pub-