

On page 12, strike all after the word "given" on line 25 and on page 13 all of lines 1 and 2 and insert in lieu thereof period (.)

On page 18, strike lines 8 through 12 and insert in lieu thereof the following:

"Sec. 206. Upon the date of enactment of this Act with respect to all dwellings described in section 205, and after December 31, 1968, with respect to all other dwellings, it shall be unlawful—

(a) for any person licensed as a real estate broker or salesman, attorney, or auctioneer, or any agent or representative by power of attorney, or any person acting under court order, deed of trust, or will—

(1) to refuse to sell or rent, negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin;

(2) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin;

(3) to make, print, or publish, or cause to be made, printed, or published any oral or written notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination; or

(4) to represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(b) to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin;

(c) to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

The PRESIDING OFFICER. How much time does the Senator from Iowa yield himself?

Mr. MILLER. I yield myself such time as I may require.

Mr. President, I ask unanimous consent to have some technical changes made in my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, I had better read these changes, so that if any Senator does not think they are technical, he may have an opportunity to object. They are as follows:

To modify my amendment on line 9 of page 1, by adding after the word "parent" the phrase "of such member".

On page 3, line 17, change the "(e)" to read "(f)".

On page 4, line 9, to add "(1)" after "203".

On page 4, to strike lines 3, 4, and 5 in my amendment and insert in lieu thereof the following:

On page 13, line 2, change the word "exception" to read "exceptions" and change "203(b)" to read "(203)(1)".

Mr. TYDINGS. Mr. President, reserving the right to object, listening as the

Senator read, I assume all the amendments are technical. Is that correct?

Mr. MILLER. Yes; they are.

Mr. TYDINGS. We have no objection. The PRESIDING OFFICER. The modification is agreed to.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. The modification is not agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, the sponsor is given the right to modify.

Mr. MILLER. Mr. President, on the desk of each of my colleagues is an explanation of what the amendment is all about.

I know that a few Senators heard a previous explanation, which related to the same amendment as filed a few days ago. Yesterday I obtained unanimous consent to have the amendment reprinted as a star print, with one substantial modification and several technical changes.

I invite the attention of Senators to the first part of the amendment which would represent a substantial change in the coverage under the so-called Dirksen substitute. That change is set forth starting with line 5 on page 1 of my amendment, and points out that after December 31 of this year, discrimination would be prohibited in the case of all types of housing—single or multiple family, owner-occupied or other, federally financed and insured or privately financed and insured—there is complete coverage. This would occur, as I provide, "where the prospective buyer or renter is a member or honorably discharged former member of the Armed Forces of the United States, or surviving widow or surviving parent of such member, or a judicially determined dependent of a member of the Armed Forces."

Mr. President, the reason for this amendment is that I think we have a sound constitutional basis for making such a change. I have recited the basis in my explanation and have recited it in the amendment in the portion which reads as follows:

The Congress finds that it is necessary and proper to the health and welfare of the Armed Forces of the United States that discrimination by reason of race, color, religion, or national origin be prohibited in the sale or rental of housing as hereinabove provided.

Under article 1, section 8 of the Constitution, where the power to raise and support armies is given to Congress, Congress has the power—and we have exercised it on many occasions—to legislate for the health and welfare of members or former members of the Armed Forces.

Mr. President, I know there are Senators who feel very strongly about the proposition that one's home is his castle; but there is one time above all when one's home is not his castle, and that is when the national security of our country is involved. The power to raise and support armies for the national security of our country is preeminent; and in connection with the health and welfare of the Armed Forces, the most im-

portant ingredient, the one that stands above everything, is the morale of the Armed Forces.

Mr. President, the morale of the Armed Forces cannot be as high as it should be as long as members of the Armed Forces—or any member of the Armed Forces—know that either while they are in the service or after they leave the service, no matter what kind of service they perform, no matter how many days they may have spent in a hospital, no matter what the extent of their permanent disability may be, when it comes to acquiring a dwelling, they can be discriminated against by reason of race, color, religion, or national origin.

I must say, Mr. President, that I believe our troop leaders have done a magnificent job in the war that is now at hand, in maintaining the morale of our Armed Forces as high as it is. We should make sure that nothing happens that will diminish that morale. My amendment would serve that end.

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

Mr. MILLER. I yield to the Senator from Massachusetts.

Mr. BROOKE. On this particular point, Mr. President, it seems unconscionable to me that Congress would say to Negro veterans and servicemen that because they are in the Armed Forces of the United States of America, and because they go to war and risk their lives, that they cannot be discriminated against; but that "if it were not for the fact, Mr. Negro American, that you are a member of the Armed Forces, or that you go to war to risk your life for this country, you can be discriminated against, or your brother or sister can be discriminated against because he or she is not a member of the Armed Forces of the United States of America."

Mr. President, I served in World War II. I am an American Negro. I am an American veteran. Under this amendment, I could not be discriminated against; but, Mr. President, I want no such special privilege, and I do not know of any Negro veteran in this country, who is worth his salt, who would appreciate having any special privilege which would bar discrimination against him, but would not bar discrimination against other American Negroes who may not have been able to serve in the Armed Forces of the United States.

Take the question of the man who may have had a heart problem, who could not serve in the Armed Forces. He can be discriminated against under this amendment; but a man who perhaps did have the physical ability to go into the Armed Forces of the United States is given the special privilege. I cannot believe that Congress wants to say this to the American Negro. I do not believe that Congress wants to say to him, "The only way you can avoid discrimination in this country is for you to go and risk your life in Vietnam," when, in God's name, he does not always have the ability, he does not always have the health, he does not always have the other things required of him to be a member of the U.S. Armed Forces.

Mr. President, I see that the Senator has tried to include others for exemp-

tions, but, Mr. President, the amendment is bad. It would create more problems in this country than it would solve. There is no basis in law or in morality which would distinguish discrimination against a veteran from discrimination against a nonveteran.

I should like, in all fairness to the Senator, to ask him if what I have said this morning is not true, insofar as his amendment is concerned.

Mr. MILLER. Mr. President, I would appreciate it if the Senator would indulge me the opportunity to explain my amendment fully. After that I shall be more than happy to answer any questions. I would expect to do so on the Senator's own time, when it comes to the time for questions.

Mr. BROOKE. Mr. President, may I—

The PRESIDING OFFICER. Does the Senator yield?

Mr. MILLER. No, I do not yield at this time.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. MILLER. The Senator from Massachusetts has raised a point on the matter of law. Mr. President, if the Senator will check with the attorneys from the Department of Justice, I am quite sure he will find that they agree with me that there is a legal, constitutional basis for singling out members of the Armed Forces for what I am seeking to do here. There is no question about the law.

Now, with respect to the morality side of the matter, if I did not think this was a moral amendment, I would not have offered it. If the Senator from Massachusetts does not think it is a moral amendment, it is his privilege to feel that way about it. But on this matter of discrimination, Mr. President, I know there are some people who would say, "Oh, you are discriminating in favor of veterans."

Mr. President, Congress has discriminated in favor of veterans throughout our history; and they should be discriminated in favor of. Billions of dollars are being spent under Veterans' Administration programs of this country, and properly so. Does the Senator from Massachusetts suggest that we scrap the Veterans' Administration, that we scrap all veterans' programs, or extend them, willy-nilly, to everybody else? I would hope not.

I repeat, veterans should be discriminated in favor of. Many potential veterans are being discriminated against today when, against their will, they are drafted into the service of their country.

Mr. BROOKE. Will the Senator yield?

Mr. MILLER. Please let me finish, and then I shall be happy to yield to the Senator from Massachusetts as long as he wishes.

Mr. President, there are many who are thus being discriminated against. Go down to the draft board and see the lists.

I understand very well that somebody might be ready, willing, and able to serve his country in the Armed Forces, but, because of physical disabilities, he cannot—the 4-F. The 4-F is not treated the same as a member of the Armed Forces under my amendment. But the 4-F is not reached in article I, section 8, of the Constitution. The 4-F might like to go to college under the GI bill. However, when

we legislated the extension of the GI bill of rights, we did not say anything about the 4-F. We said, "It is just too bad. You did not make it. But those who did will receive these benefits." And properly so.

There is no question about the law contained in the amendment. There is room for differences, and honest differences, of opinion regarding the morality. However, there is ample precedent, from the morality standpoint, for Congress to legislate and discriminate in favor of those who have worn the uniform of their country.

I point out another thing that my amendment would do. Like the Dirksen substitute, my amendment absolutely covers brokers and agents. Actually, it goes a little beyond the Dirksen substitute in its coverage, because my amendment would cover brokers, salesmen, attorneys, auctioneers, and the like.

We can do this under the 14th amendment to the Constitution. These people are licensed to operate under State law. I am quite satisfied that we have the power to reach them.

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

Mr. MILLER. I yield.

Mr. ERVIN. Mr. President, do I understand the Senator from Iowa to say that his amendment would preclude an attorney from carrying out the instructions received from his client?

Mr. MILLER. I will say that an attorney could not discriminate in behalf of an owner. This coverage is absolute.

I am glad the Senator asked that question, because I can understand how easily one could be confused over that point. An attorney who is selling a home is in the same relationship from the standpoint of my amendment as is a real estate agent or a salesman.

I point out that this coverage was extended to attorneys in this type of situation in the case of my own State of Iowa under a statute that was enacted into law last year.

With regard to the owners themselves, there are two ways of analyzing this housing problem. The first is to look at governmentally financed or insured dwellings. With respect to the four categories under section 303(a) of the Dirksen substitute—governmentally financed homes—my amendment would prohibit discrimination in any advertising.

With respect to single-family dwellings sold or rented by an owner, my amendment would permit discrimination in line with the amendment offered by the Senator from West Virginia (Mr. BYRD) and agreed to by the Senate on yesterday.

With respect to rooms or units in dwellings containing living quarters occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence, discrimination would not, just as provided in the Dirksen substitute, be prohibited under my amendment. However, in cases of larger than a four-family dwelling unit, discrimination is prohibited.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BYRD of West Virginia, Mr. President, do I correctly understand that the amendment of the Senator from Iowa would not disturb the provisions of the amendment offered by the junior Senator from West Virginia yesterday, an amendment which the Senate agreed to?

Mr. MILLER. The Senator is correct. Yesterday I secured unanimous consent to modify my amendment if the Byrd amendment was agreed to. And since the Byrd amendment was agreed to, my amendment has been so modified.

Actually, so far, there is very little difference between my amendment and the Dirksen substitute with the Baker amendment in it.

The next category is nongovernmentally financed or insured dwellings. With respect to these, my amendment would prohibit the owner from discrimination in advertising affecting interstate commerce.

This is a more limited advertising prohibition than the previous one. As long as the Federal Government has a string on dwellings through financing or insurance, the Federal Government has the power to say, "You won't discriminate in any advertising." However, where there is no Federal string, where the owner has financed his own dwelling, then the reach of the Federal Government should be under the commerce clause. And that is why my amendment prohibits discrimination in advertising affecting interstate commerce.

With respect to single-family dwellings sold or rented by an owner, we have the same coverage as the Byrd amendment which was agreed to by the Senate on yesterday.

With respect to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, there is no prohibition against discrimination.

I know that some people feel very strongly about this. They feel that there should not be any discrimination in any housing. However, I say to those people that where the Government has not entered the picture at all, where the owner has acquired his own four-family dwelling, I do not know where the Federal Government has the constitutional power to exercise control unless we want to make a shambles of the Constitution to reach that point. As a matter of fact, the four-unit dwelling is exempt under the Dirksen proposal anyhow.

With respect to over four-family multiple dwellings, my amendment would do two things. These are in the privately financed areas. When, under a State or local law, that dwelling is operated under some special law or ordinance as a multiple-unit dwelling, then I believe it comes under the 14th amendment powers of Congress under the Constitution. And my amendment would prevent discrimination. However, in other over four-family multiple dwellings, where there is no requirement that such multiple dwelling operate under a State or local law, then discrimination would not be prohibited.

Mr. President, finally, the exemption



under section 207 covering religious organizations, and so forth, which is contained in the Dirksen substitute, is preserved in my amendment. However, I think every one generally agrees upon this exemption.

That, in brief, is an explanation of my amendment.

I repeat that my problem with the Dirksen substitute and the reason why I have spent so many hours trying to come up with a good, workable solution is because the Dirksen substitute offends my constitutional sensibilities. I cannot support a bill which I believe rests on unsound ground. No matter what the morality of the problem may be, if we do not have the constitutional power then we ought to change the Constitution.

There were many Senators who felt very strongly that it was immoral for poll taxes to be used in Federal elections. We did not pass a law on the subject. We passed a constitutional amendment. The reason we had to do so was that most Senators would not stand for such a statute, because we did not have the constitutional power to legislate such a statute.

Mr. President, we clearly have the constitutional power, under the 14th amendment, to say to the owner of a multiple-unit dwelling that is required to operate according to a State statute, or required to operate according to a local ordinance, "Thou shalt not discriminate." The 14th amendment gives us that power. We have the power to say to an individual, "You will not discriminate in advertising affecting interstate commerce." And, certainly, when the Federal Government is financing or insuring property, we have the power to say, "You will take our financing and our insurance with the string of 'no discrimination' attached to it."

With respect to the coverage of the veterans, Mr. President, this reaches a great many people. I am advised by the Veterans' Administration that there are 26 million veterans, 8.3 million parents of veterans, and 23 million wives and widows of veterans. My amendment provides that, as to this group, there shall be no discrimination with respect to any housing, federally financed or otherwise, any time, any place, anywhere.

I suggest, Mr. President, that this approach would have great public acceptance. All of us have good friends who feel very strongly about their personal home. Their home is their castle. But you can say to many of them, "Your home is your castle, up to a point. When the national security of your country is involved, when it comes to discriminating against a member or honorably discharged member of the Armed Forces or his surviving widow or parent there must be no discrimination. You can discriminate any other way you want—to credit rating, any other way you want—but not on the basis of race, religion, color, or national origin."

Mr. President, I will be happy to yield to my colleague, the Senator from Massachusetts, on his time, and to answer questions of any other Senator.

Mr. BROOKE. I thank the distinguished Senator.

Mr. President, as I read the proposed

amendment, it would apply to a situation in which the prospective buyer or the renter is a member or honorably discharged member of the Armed Forces of the United States, or surviving widow or surviving parent of such member.

Now, I ask this question: What is the soldier in Vietnam, who is risking his life, going to think when he feels that, under this amendment or under the proposed law, unless he is killed or dies, his parent is not protected against discrimination, or his wife is not protected against discrimination because she is not a surviving widow, or his parents are not surviving parents? Then, if he has parents, they have to go to court to get judicial determination, because it reads: "or a judicially determined dependent of a member of the Armed Forces." They must go to court to get a judicial determination as to whether they are dependent upon that soldier in Vietnam.

There are many soldiers whose parents, fortunately, are not dependent upon them. Those parents would not be covered by this amendment. It certainly seems unconscionable to me to say to that soldier in Vietnam that the only way he can cover his wife or his mother or his father is for him to give up his life. It is even worse than the first situation I suggested. But I believe that the first one is bad enough.

The Senator has not yet said that what I asked or pointed out to him under his amendment is not true. The fact is that it would be saying to an American Negro, "The only way you cannot be discriminated against is to join the Armed Forces and go off to Vietnam to risk your life." I do not believe there is any basis in law—certainly, no basis in morality—which would justify Congress saying that. I repeat that no Negro veteran worth his salt would ever want this special privilege given to him and denied to the other members of his race.

The Senator has not answered that question.

Mr. MILLER. Mr. President, I believe that if a member of the Armed Forces heard such an explanation as the Senator from Massachusetts has just offered, and did not have an opportunity to hear my explanation, he might conclude as the Senator from Massachusetts has suggested. But I must say to the Senator from Massachusetts—and I am happy that we have an opportunity to make a little legislative history at this time—that he completely misreads the amendment to arrive at the conclusion he suggests.

He asks the question. How would the veteran or how would the member of the Armed Forces feel if he thought that the only way he could avoid discrimination is to join the Armed Forces? That question is completely unresponsive to the provisions of the amendment. The facts of legal life are that he does not have to be discriminated against, and he should not be discriminated against, so far as the Congress of the United States is concerned, where we have the power under the Constitution to prevent it. And my amendment would do so in the case of many dwellings whether one is a veteran or not. We have the power under the 14th amendment,

and we have the power under the commerce clause, to do so.

With respect to the gaps in our constitutional power, I am sure the Senator from Massachusetts and I could agree that State and local law should cover them. As a matter of fact, it is unfortunate that State and local laws have not already covered the situation so that we would not have to legislate. But if we are going to legislate, if we are going to respect the Constitution, we must stay within the Constitution.

Under my amendment, one need not join the Armed Forces to avoid discrimination. All one need do is come within the 14th amendment of the Constitution or within the commerce clause, and discrimination will be avoided in millions of units.

As I understand the Dirksen amendment, there are exemptions for millions of units. That does not mean that the Senator from Massachusetts likes it. It does not mean that I like it. But I believe there is a constitutional matter that we should respect in this situation. I say this with all deference, knowing that some Senators believe that the Constitution covers everything under the sun. But if the Constitution is going to mean anything, Mr. President, we will have to legislate within its framework undiluted by extreme stretching of the meaning of its provisions.

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

Mr. MILLER. I yield.

Mr. BROOKE. I ask the Senator what portion of the Constitution he relies upon to give this protection to members of the Armed Forces.

Mr. MILLER. Well, I thought I already had made that clear in my first comments in response to the Senator from Massachusetts, by referring him to the attorneys for the Department of Justice if he has any question about the constitutional power for Congress to legislate in this fashion. I am well satisfied, and I believe, if he will check with them, he will agree with them. I do not always agree with the Department of Justice lawyers, either. But I am quite confident that we have the power to so legislate, and properly so, because the national security of our country is preeminent.

However, if the Senator does not believe we can discriminate in favor of veterans, I would say that we are going to have an awful job finding employment for the thousands of Veterans' Administration employees; and a great many veterans may feel rather strongly that they should have discriminatory privileges under the various VA programs, and I personally believe that they are entitled to them.

Mr. BROOKE. Mr. President, I suggest that the Senator's answer is not responsive to the question.

I am still waiting to learn from the Senator that provision in the Constitution which gives us the power to protect the veterans against discrimination.

Mr. MILLER. Mr. President, the Senator is going to have to accept the authority I have cited, or read the cases. If he has any doubts, let him talk to the Department of Justice. I tried, in the best way that I can, to answer the question;

and if the Senator does not think it is responsive, I regret it.

The Senator did not interpret my amendment accurately when he said, in effect, "What about the wives of the boys in Vietnam?"

I wish to answer that question. I think that if we had a problem in that connection, the wife would very well represent the serviceman in the purchase of a home. Most wives do not have the wherewithal to buy a home, anyway. Title to the property is usually taken in the name of the husband or the husband and the wife, and in that sense I think that as long as the buyer is the serviceman in Vietnam or the buyer is the serviceman and his wife, there could not be discrimination.

Mr. BROOKE. As I understand the Senator, his authority is the Department of Justice, and I do not believe—

Mr. MILLER. No; I did not say that. I said the authority is the Constitution.

Mr. BROOKE. I asked for the provision of the Constitution and the Senator said the Department of Justice.

Mr. MILLER. No; the Senator said article 1, section 8, of the Constitution of the United States.

Mr. BROOKE. That is the authority?

Mr. MILLER. That is correct.

Mr. BROOKE. And I take it that the Senator claims that that gives Congress the right to act on the basis of national security. Is that correct?

Mr. MILLER. Correct.

Mr. BROOKE. Then, Mr. President, it would seem that what we are saying now to the Negro soldier is even a worse situation than I had suggested before. We are now saying to him: "We are not so much concerned with having you protected against discrimination because you are serving in the Armed Forces, but we want to keep your morale up so that you can be a better soldier, and our interest really is in national security and the morale of the soldiers, so we are going to protect you against discrimination."

Is that what we are saying here?

Mr. MILLER. Mr. President, do I understand this time is running against the Senator from Massachusetts in his questions?

The PRESIDING OFFICER. No. On the Senator from Iowa.

Mr. MILLER. I had made clear that I would be pleased to yield on the Senator's time, and I thought that was understood.

Mr. BROOKE. Mr. President, I wish to take no advantage of my colleague. All of the time I have used in what I have said to my colleague will be credited to my time.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MILLER. I thank the Senator from Massachusetts.

Mr. President, I think the Senator is confusing morality with legality. I shall be glad to talk about morality and I shall be glad to talk about legality.

Let us talk about legality. The legality, as I understand it, concerns where we have the power to so legislate. I have done the best I can to indicate to the Senator that under article 1, section 8, of the Constitution, the Congress has the power to so legislate. We have legislated

in favor of veterans and discriminated— if one wishes to use the word—against nonveterans, from time immemorial. I do not think there is any question with respect to legality.

I mentioned the Department of Justice only because I thought the Senator might wish to check the matter with them. He does not have to agree with them any more than I do. I thought that suggestion might appeal to him, or he can read the cases himself.

When I talk about the national security interest I am not talking about morality. I am talking about the constitutional power of the Congress to legislate for the national security interest. National security has nothing to do with the morality of this problem.

The morality of this problem is whether or not one should be discriminated against because of his race, color, religion, or national origin. I do not believe there will be many, if any, Members of the Senate who would get into an argument over the morality. But that is not going to get us anywhere in the Senate. What would get us somewhere in the Senate would be to legislate within our constitutional powers to legislate. If we feel strongly about the limitations of the Constitution from a moral standpoint—and we did with respect to the poll tax in Federal elections—then, we can amend the Constitution.

I hope this has been responsive to my colleague.

Mr. COTTON. Mr. President, would the Senator extend me the courtesy of yielding to me on my time?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MILLER. I yield on those conditions.

Mr. COTTON. Mr. President, I have to leave the floor of the Senate in about 10 minutes to catch a plane and I will not be able to even vote on this amendment. I would like to yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. I thank the Senator.

Mr. President, it would seem to me, as much as I sympathize with the position of the distinguished Senator from Massachusetts, that his illustration does not even go far enough.

If this substitute discriminates and authorizes discrimination against anyone because of his race or national origin, then it is wrong. If anyone believes that, I do not see how he can vote for it.

The provision that would recognize the rights of the homeowner in this particular instance, in the mind of the Senator from New Hampshire, is not in any sense discriminatory. That right of a homeowner extends just as much to a Negro as it does to a white person, or to any race.

Mr. President, it is perfectly conceivable that the time might well come when Negro owners and occupiers who have acquired or built a home might wish the freedom, if they found it necessary or advisable to dispose of their property, to choose the purchaser; and the time might well come.

So it is not far-fetched that this right of a homeowner to be free to rent or dispose of his property as he sees fit is

not discriminatory because it applies to all races.

If I thought it was discriminatory, I would not vote for it. As a matter of fact, let me say frankly, I think we could have drawn the line a little more closely.

I regret that the amendment of the distinguished Senator from West Virginia was adopted which extends it to dwellings other than a person's home. I think that an apartment house with four families is going fairly far. I would have applied it to duplex apartments. I feel strongly that those who take in boarders or roomers should be protected—as they are.

We in Congress have taken care of public accommodations in motels, hotels, and all who hold out those accommodations.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 additional minutes.

Mr. COTTON. Mr. President, it does not strain my sensibilities to extend open housing to apartment houses, to real estate developments, and to single-dwelling units which are for rental. For that reason, I am glad to support the bill that provides for those privileges. But, I insist that this provision and this bill is not discriminatory. The amendment offered by my distinguished friend from Iowa [Mr. MILLER], in and of itself, admits and indicates that it is discriminatory and seeks to relieve a certain group; namely, the veteran or serviceman.

From what the amendment states, or again indicates is a discrimination, if it is a discrimination, should not apply to any Negro whether a veteran or not a veteran. It should be universal in its application. It has to be universal in its application to citizens and residents of all races. Therefore, Mr. President, if I were able to be here, I would be compelled to vote against the amendment of the Senator from Iowa not only for the very cogent reasons advanced by the Senator from Massachusetts, but the additional reason that to vote for such an amendment is an indication that we are consciously and intentionally discriminating.

Mr. President, I believe that the homeowner has a constitutional right to protection just as much as the prospective buyer or renter. So long as we stand on that ground, to me, even though others may not agree, it is sound ground.

Therefore, Mr. President, if I am unable to be here when the vote is taken on the amendment, I want to be announced as opposed to it for the reasons I have stated.

Mr. MILLER. Mr. President, although I regret the position taken by my good friend from New Hampshire, I appreciate the development of his argument because it lays the foundation for asking my colleague from Massachusetts the following: Unless I am misinformed, I understand that the Senator from Massachusetts agreed to support the Dirksen sub-