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Mr. RUSSELL. It will be necessary, however, to call up the amendments to the so-called Dirksen or Javits amendment, will it not?

The PRESIDING OFFICER. Will the Senator repeat his inquiry?

Mr. RUSSELL. The question I wish to have determined is whether any of those amendments come up for consideration automatically, or whether it is necessary for Senators to offer the amendments.

The PRESIDING OFFICER. The particular amendments would have to be called up; otherwise the question would be on agreeing to the Dirksen amendment.

Mr. RUSSELL. I thank the Presiding Officer.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. RUSSELL. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn. Without objection, it is so ordered.

**MESSAGE FROM THE HOUSE—
ENROLLED BILLS SIGNED**

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1155. An act to amend the Export-Import Bank Act, as amended, to change the name of the Bank, to extend for 5 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, to restrict the financing by the Bank of certain transactions, and for other purposes;

S. 1227. An act to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes; and

H.R. 12603. An act to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

AMENDMENT NO. 581

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 581.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Does the Senator also ask unanimous consent that they be considered en bloc?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendment is as follows:

On page 8, lines 4 and 5, strike out "subsection (b) and".

On page 9, line 7, strike out "subsection (b)" and substitute "section 207".

On page 9, beginning with line 8, strike out all through line 2, on page 11.

On page 11, line 5, strike out "sections 203 (b) and", and substitute "section".

On page 13, line 11, strike out the section heading "EXEMPTION" and substitute "EXEMPTIONS".

On page 13, line 12, after "Sec. 207.", insert "(a)".

On page 13, between lines 20 and 21, insert the following:

"(b) (1) None of the prohibitions contained in this title shall apply to (A) any private person with respect to the sale or rental of a dwelling owned or rented by such person or by such person and other private persons, or (B) any real estate broker, agent, salesman, or other person while he is acting in accordance with instructions by any private person with respect to the sale or rental of a dwelling owned or rented by such private person or by such private person and other private persons.

"(2) For purposes of this subsection the term 'private person' means an individual as distinguished from a corporation, partnership, company, or other legal entity created under the laws of any State or political subdivision of a State.

Mr. BYRD of West Virginia. Mr. President, the purpose of the pending amendment—which has several parts—to the Dirksen substitute for the committee amendment is to exempt from title II the so-called fair housing section—which term, in my judgment, constitutes nothing but sugar coating on a forced housing pill—any private person with respect to the sale or rental of a dwelling owned or rented by such person, or by such person and other private persons, and also to exempt from the application of title II of the Dirksen substitute for the committee substitute any real estate broker, agent, salesman, or other person while he is acting in accordance with instructions by any private person with respect to the sale or rental of a dwelling owned or rented by such private person, or by such private person and other private persons.

The term "private person" would be defined as meaning an individual as distinguished from a corporation, partnership, company, or other legal entity cre-

ated under the laws of any State or any political subdivision of that State.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, today we have witnessed the stampeding of the Senate into invoking the gag rule. The Dirksen substitute for the committee substitute has been before the Senate since 4:15 p.m. last Wednesday afternoon. There has been little debate on that substitute, and in that substitute, of course, is contained title II, the so-called fair housing title.

I have an amendment at the desk which would strike title II from the bill. I believe it should be stricken from the bill. But I seriously doubt, Mr. President, that there are enough Senators who would be willing to strike title II from the bill at this point. So I have called up this amendment, which does not strike title II but which does exempt from the application of title II the private individual who owns a dwelling and who wishes to lease or rent or sell that dwelling, and who may wish to instruct the real estate agent as to his desires in regard thereto.

Mr. President, under amendments to the original Constitution of the United States, amendment No. 5 and amendment No. 14, property is given equal status with life and liberty; in those amendments it is stated, in the one, that Congress shall not deprive and, in the other, that a State shall not deprive any person of life, liberty, or property without due process of law.

Property is a basic human right. There are those who say that property rights are not to be confused with human rights; but I maintain that the rights that are inherent in the ownership of property are basic human rights. They existed long before the Constitution of the United States was written. They constitute one of the natural rights of man. They were recognized in the Magna Carta. In several instances, property is alluded to in the Magna Carta, signed by King John in 1215 at Runnymede. The rights of property are recognized in the Eighth Commandment, which says, "Thou shalt not steal." Steal what? Property, of course.

Mr. President, we are witnessing an assault upon one of the most priceless of all human rights, the right to use, to manage, and to dispose of property according to one's own wishes and one's own good judgment. This right—for which those of us stood who have opposed cloture—is a right which is a priceless heritage not only of the white property owner but also of the nonwhite property owner.

We have heard a great deal in the last 2 or 3 days about the report of the President's Riot Commission. Undoubtedly, there are some good recommendations in that report. I read the summary of the report over the past weekend. That report recommends a Federal fair housing law. The phrase "fair housing" is a misnomer. There is nothing at all fair about any law which authorizes governmental invasion of the natural, legal, and constitutional rights that inhere in property ownership.

Mr. President, I stated on the floor of

the Senate only a few days after that Commission was appointed—after listening to Mr. Roy Wilkins and the mayor of Atlanta as they appeared on a television program—that one could then predict the contents of the report, without waiting for hearings or the presentation of a formal report. And we find now that it has recommended, as we thought at that time, the expenditure of untold billions of dollars and further governmental incursions into the rights of individuals. There is no price tag attached to the Riot Commission report and we have no estimate of the cost of implementation, but we are told that fair housing can be enacted by the Senate and the House of Representatives now without any cost in terms of dollars. Of course, the Riot Commission's report came at a timely moment when it could generate additional pressures to all of the manifold pressures that were being brought to bear upon various Senators in an effort to get them to vote to invoke cloture. I do not mean to say that the timing was thusly deliberately planned.

Mr. President, I am offering this amendment, hoping that reason will yet prevail in the Senate, at least with respect to the private individual who owns property, and hoping that Senators will vote to eliminate the private individual from the application of title II, the so-called Fair Housing Title.

Mr. President, I shall reserve the balance of my time.

Mr. MONDALE. Mr. President, the amendment proposed by the distinguished Senator from West Virginia is, in my opinion, unacceptable from the standpoint that if it were agreed to it would delete virtually all the substance of the pending Dirksen substitute. It would do so in two fundamental and sweeping respects.

First, it would drastically reduce coverage of the fair housing title of the Dirksen substitute, which, as we know, is in itself a compromise in terms of coverage. It would substitute for the limited exemption suggested in the Dirksen substitute, and found in section 203(b), an extremely broad exemption, in that the amendment would exempt the prohibitions against discrimination, with respect to any private person—that is, an individual—with respect to the sale or rental of a dwelling owned by him, and in section (B), any real estate broker, agent, salesman, or other person while acting in accordance with instructions of such private persons.

This exemption would even apply to federally aided housing covered by section 203(a) (1) where the owner is a private person.

Second, this amendment would give to individuals and agents acting in accordance with instructions a license to discriminate, and coverage would extend only to housing owned by corporations or other businesses.

Mr. President, if this amendment were adopted there would be little left of the Dirksen substitute.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on March 1, 1968, the President had approved and signed the act (S. 1124) to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes.

Mr. MURPHY. Mr. President, I ask unanimous consent to make these remarks at this point in the RECORD.

Mr. HOLLAND. Mr. President, I object to the calling off of the quorum.

The PRESIDING OFFICER. The Chair informs the Senator from Florida that the quorum has already been called off.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, a point of order. Has not the Senator from California been recognized?

The PRESIDING OFFICER. The Senator from California has been recognized.

USE OF MILITARY TRANSPORTATION BY MEMBERS OF CONGRESS

Mr. MURPHY. Mr. President, at this time, I should like to commend the distinguished majority leader for the remarks he made recently, as reported in the press, concerning the use of military aircraft by Members of Congress. I shall not discuss the specific incident which inspired his comments, since it is the overall principle that I wish to explore.

It is most definitely not my purpose to embarrass, directly or indirectly, any of my colleagues who have used or have been provided with military transportation.

On one occasion, I have used military transportation myself, when I went to Vietnam at the request of the President.

I have also been denied use of military aircraft when I requested it on one occasion for assistance in performing my duties as a Senator to visit an outlying military base in my State of California.

Therein, within the scope of my own personal experience, lies a good example of the problem involved in this issue.

What are the ground rules, Mr. President?

Frankly, I think they should be spelled out clearly and definitively. Then we would know who decides whether military transportation shall be made available to an individual Member of Congress, or to a group, under what conditions, and for what prescribed purposes. Then we would know how such decisions were made.

When congressional leadership requires the immediate presence of a Member who cannot obtain prompt com-

mercial transportation, must the request for military assistance be made by the joint leadership, or can it be submitted on some other basis?

Under what regulations can reservists in the armed services take advantage of military flights?

Mr. President, these are all obvious questions. I believe that they all deserve answers. More than that, I believe they deserve to be resolved with the issuance of a clear set of guidelines which can be applied quickly and impartially in any and all circumstances, so that there will be no question about this matter in the future, and so that it will not be necessary for the distinguished majority leader to speak about it again.

I believe that Members of this body, and of the House of Representatives, have a right to know. I think it would be good if the people of this country—the taxpayers—could know.

In fact, if it would not be out of line, I might even suggest it would be illuminating to Members of the Senate and the House of Representatives, and the taxpayers, to see a list of all the Members of Congress and the executive branch who have used military transportation during the past 12 months—and the reasons for the trips.

Are the personal preferences or desires of our colleagues given consideration, and if so, what weight do they have?

What criteria are used to judge whether use of military aircraft is necessary?

Does seniority play a role? Does a Member's committee membership? Does a Member's political affiliation?

Exactly what are the conditions?

Under what conditions can a department other than the Department of Defense commandeer military aircraft for inspection tours, good-will trips, and other activities not directly associated with the defense of the Nation?

Mr. President, I am told that a trip is presently being planned to take a reported 100 persons in one case, and 60 in another, around the world—or at least to the Far East.

Who these people are, it seems uncertain. They are recorded as being "farm leaders" or "public leaders." No one seems to know. But the trip has been reported twice now in the public press, and I should like to know the purpose and I think the people of this country have a right to know the purpose as well—who the people are, who issued the invitations, on what basis, how much will it cost, and how will it affect the Treasury.

Mr. President, in conclusion, I again commend the distinguished majority leader for his interest in this matter. I respectfully recommend that remedial action be taken at once, and that the ground rules be laid out and spelled out so that all will understand what the conditions will be in the future.

Mr. HOLLAND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. HOLLAND. Mr. President, I think it is rather disgraceful that the Senate is not attending this very important debate now going on in the Chamber on this very important amendment which has to