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Allott	Hansen	Mondale
Baker	Hart	Monroney
Bayh	Hartke	Montoya
Bennett	Hattfield	Mundt
Bible	Hayden	Nelson
Brewster	Hickenlooper	Pell
Burdick	Hill	Percy
Cannon	Holland	Proxmire
Carlson	Hollings	Randolph
Church	Hruska	Ribicoff
Clark	Jackson	Scott
Cooper	Jordan, N.C.	Smathers
Dodd	Kennedy, Mass.	Smith
Dominick	Kennedy, N.Y.	Sparkman
Eastland	Kuchel	Stennis
Ellender	Long, Mo.	Thurmond
Ervin	Long, La.	Tower
Fannin	McClellan	Tydings
Fong	McGee	Williams, N.J.
Fulbright	McGovern	Williams, Del.
Griffin	McIntyre	Young, N. Dak.
Gruening	Metcalf	Young, Ohio

of the single-family dwelling no longer is the "most recent resident" of his own property and, therefore, is no longer exempted.

Second. A serviceman or a foreign service officer departs overseas on an assignment of considerable duration. He rents his single-family house. Six weeks later the renter moves out. The serviceman—or foreign service officer—is no longer exempted from the coverage of the fair-housing title, inasmuch as he is no longer the "most recent resident."

Third. A widow owns and lives in a single-family dwelling. She also owns a single-family dwelling across the street, the tenant therein being her daughter. The daughter moves to another State. The widow cannot qualify for exemption under the Dirksen substitute because she neither resides in the house across the street—of which she is the owner—nor is the "most recent resident" of such dwelling prior to a subsequent sale or rental.

Fourth. An individual lives in his own single-family dwelling located on a three-quarter-acre lot. He decides to build a second house on the lot. Ten years later misfortune forces him to parcel the lot and sell the house thereon. He does not qualify under the Dirksen substitute exemption because he is neither "residing in" the adjacent dwelling nor was he the "most recent resident" thereof.

I believe, Mr. President, that Senators will want to provide a clear-cut exemption in the case of single-family dwellings, especially when the owner rents or sells the dwelling without the assistance of a real estate salesman or agency; so I have drawn the language in my modified amendment to reach such situations as those I have cited today.

My language would permit the bona fide owner of as many as three single-family dwellings, whether or not he is the resident therein or the most recent resident therein, to sell or to rent, exercising his own preferences in so doing, as long as he did not use a real estate agency or salesman as set forth in the Dirksen substitute.

I have also sought, by the last proviso, to prevent a situation in which an individual could possess three houses, could sell one, could replace that house by purchasing another house, could again sell one, could purchase another house, and never own more than three houses at any one time. For this reason, I have put in the stipulation that there can be no more than one sale, carrying the exemption, in any 24-month period. I have also provided against a sham transaction in which the owner of the house might have his wife as the owner of three houses, his daughter as the owner of three houses, and his son as the owner of three houses, and thus be able, by participating in these sham transactions, to really exercise dominion over a great number of houses—10, 12, 15, 18, and so forth.

I have talked with the floor manager of the bill, Senator HART, and with Senator MONDALE, Senator JAVITS, and Senator BROOKE at length on yesterday about this amendment. I worked with legislative counsel until midnight last night, and

again this morning. I have worked with the Senators named in an effort to reach an understanding and possibly have this amendment adopted by mutual consent, and I wish, at this point, to express my appreciation to them for their sincere and patient efforts to work out a mutually agreeable compromise amendment.

All of us have worked in good faith, but we have reached the point where we feel there will have to be a vote on this proposal because we have been unable to finally work out an amendment to which all parties could agree.

The Senator from Minnesota [Mr. MONDALE], the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. BROOKE], the Senator from New York [Mr. JAVITS], all agree that these examples I have presented here today are pertinent and valid, and that such situations could very well occur, and I believe I am correct in saying that they, too, feel something should be done to deal with such situations. At the same time, they have reservations about the amendment and, of course, they can express those reservations.

I do hope that after they have done so, we can have a vote, that we will have to wait too long to reach a vote, and that Senators will support my amendment.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. Will the Senator permit me to yield on his time?

Mr. AIKEN. On my time, I have 59 minutes and 50 seconds remaining.

Mr. BYRD of West Virginia. My time is running short.

Mr. AIKEN. I can spare a little time. I am interested in the Senator's amendment. I am wondering why it was necessary to raise the number of houses owned by one party to three. What is the logic in that? The bill itself, I believe, referred to one house, or four rooms.

Mr. BYRD of West Virginia. I have already discussed situations in which which there would be at least two houses involved.

Mr. AIKEN. Yes.

Mr. BYRD of West Virginia. The Senator asked why I used the word "three."

Mr. AIKEN. Yes.

Mr. BYRD of West Virginia. We have the so-called "Mrs. Murphy" amendment or the "Mrs. Murphy" language in the bill.

Mr. AIKEN. She is a good woman.

Mr. BYRD of West Virginia. Indeed, yes. The Mrs. Murphy language in the bill provides for four units, if the families live independently therein.

Mr. AIKEN. The Senator is correct.

Mr. BYRD of West Virginia. But Mrs. Murphy also has to live in one of those four units.

Mr. AIKEN. Yes.

Mr. BYRD of West Virginia. That confines its protective reach to three units other than the one in which she lives. In my amendment, therefore, I use "three" as the number, in order to have parallel construction.

Mr. AIKEN. The amendment offered by the distinguished Senator from West Virginia would not permit ownership of three four-unit apartments.

Mr. BYRD of West Virginia. Will the Senator repeat his inquiry?

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

### 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.

Mr. BYRD of West Virginia. Mr. President, my amendment No. 579 is pending before the Senate. I have already asked unanimous consent, and that consent has been granted, to modify my amendment; and Senators will find on their desks the modification in part, which reads as follows:

On page 9, lines 11, 12 and 13, strike out "residing in such house at the time of such sale or rental, or who was the most recent resident of such house prior to such sale or rental: *Provided*," and insert in lieu thereof the following: "*Provided*, that such owner does not own more than three such single-family houses at any one time; *Provided further*, that in the case of the sale of any such single-family house by an owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period; *Provided further*, That such bona fide owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*."

Mr. President, under the language in the substitute by Mr. DIRKSEN, single-family housing is exempted from the "fair housing" provisions only if it is "sold or rented by an owner residing in such house at the time of such sale or rental, or who was the most recent resident of such house prior to such sale or rental."

It will be noted that the language in the Dirksen substitute which I have just read would not exempt the owner of a single-family dwelling in the following situations, among others:

First. An owner, because of health reasons, must go to Arizona for a period of 2 years and wishes to rent his single-family house located in an Eastern State. He rents his dwelling, but 3 months later the tenant moves out. The owner

Mr. AIKEN. Would the amendment of the Senator from West Virginia permit three four-family apartment houses?

Mr. BYRD of West Virginia. No. These are single-family dwellings only.

Mr. AIKEN. Three single-family dwellings.

Mr. BYRD of West Virginia. Yes.

Mr. AIKEN. I think that explains it.

Mr. MONDALE. Mr. President, the Senator from West Virginia is correct.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GORE in the chair). The Senate will be in order.

Mr. HOLLAND. Mr. President, before the Senator starts, I wonder if he would permit me, on my time, to ask a question of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I yield myself 2 minutes.

I wonder if the Senator can tell us what would happen in the many cases in which Members of the Senate, Members of the House of Representatives, and people serving in the executive branch of the National Government—and the same thing can be multiplied many times on the State level—and in State governments, where those people have a home back where they came from, they acquire a home in the Capital where they are serving, and where, for one reason or another, they may rent for a period of time the dwelling back in their original home State.

A situation similar to that happened in the case of the Senator from Florida in one instance and I am certain that many persons now serving in Washington are in a somewhat comparable situation.

Would the amendment of the Senator from West Virginia take care of that situation?

Mr. BYRD of West Virginia. The answer is yes.

May I say, as the author of this amendment, that I have no single-family dwelling or any other type of dwelling back in my State. The only property I own is a house in Arlington in which I presently live. So this amendment was not devised to take care of any situation of mine or of any specific individual.

However, in answer to the Senator's question regarding Members of Congress and persons serving in the executive branch who may have a dwelling back in their home States, as well as a dwelling here in the Nation's Capital, in such a case this amendment would adequately treat the situation. But without this amendment, if Senator X should rent his home, back in the State from which he came, while he is serving in the Senate, and 3 months after having rented the dwelling, the Senator loses his renter, the Senator no longer being a resident in that dwelling, and he no longer being the most recent resident therein, he then, of course, is boxed in by the language in the Dirksen substitute.

Mr. HOLLAND. I thank the Senator.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield to me?

Mr. BYRD of West Virginia. I am glad

to yield to the Senator from North Carolina on his time.

Mr. JORDAN of North Carolina. I have an entire hour and I do not mind squandering it a little.

When the Senator from Florida brought up his question, it brought to my mind a case that could easily happen where a person would own three dwellings. I know we have people who have a summer home or a winter home. There are some people with a home in Florida and a home in the mountains of western North Carolina, in addition to a home here, and a home in their home State. One could easily have three homes.

I know one Member of Congress who has a home which he rents all of the time because he is only there a part of the year. He has another situation where he rents a home in the mountains of western North Carolina. He rents that home some time in the summertime because he is not there. He would be trapped unless this amendment were adopted, in the three room situation.

Mr. BYRD of West Virginia. The Senator is correct.

I am not concerned about the Senator who is trapped or the House Member who is trapped by the Dirksen substitute. Senators and Members of the House of Representatives have the option of voting for or against the Dirksen substitute. If they want to vote for or against the Dirksen substitute on the basis of how it affects their personal situation that would be up to them, although I am confident that they would not cast their vote on a personal basis.

I would like to make clear that this amendment was not prepared nor is it being offered with regard to Senators or Members of the House of Representatives. They can vote against the entire bill if they wish to do so. But I do feel there are bona fide property owners throughout our country who are not Senators or Members of the House of Representatives, and who have no opportunity to vote for or against the bill, or to express in debate their sentiments thereon, who will be affected by this bill, and who will be affected by our own votes in connection with this bill. We should try to find some reasonable way in which to deal with their situations, examples of which I have cited here today.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield to the Senator from North Carolina on his time.

Mr. President, may we have order?

Mr. JORDAN of North Carolina. On my time.

Mr. BYRD of West Virginia. Mr. President, would the Senator suspend while we get order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JORDAN of North Carolina. Mr. President—

Mr. BYRD of West Virginia. Mr. President, would the Senator suspend while we get order.

The PRESIDING OFFICER. The Senator will not resume until we get order. The Chair reminds the visitors in the galleries to please maintain quietude.

Discussion and debate is underway in the Senate of the United States and it deserves respectful attention.

The Senator may proceed.

Mr. JORDAN of North Carolina. Mr. President, I use those examples because I am aware of that situation in the Nation's Capital. But I know of a number of people in the same situation in which the same thing would apply to them. It is not a matter for us one way or another but it will affect a great many more people than one would think.

Mr. BYRD of West Virginia. I thank the Senator and agree with him.

Mr. MONDALE. Mr. President, the Senator from West Virginia properly observed that Senators HART, JAVRS, BROOKE, and myself attempted over the past day and a half to deal with this problem. I would want to clarify one thing. I think I speak for them when I say that none of us felt this exemption was necessary and, indeed, all of us believe that there should be no exemption for the sale of any home or the rental of any premises offered to the public whether through a broker or not. In order to arrive at what is now known as the Dirksen substitute, we agreed to exempt the sale or rental of owner-occupied single-family dwellings when not sold through a broker after January 1, 1970. We did so reluctantly. We regret that it was necessary to do so. I still believe that one of the basic and fundamental objections to discrimination in the sale or rental of housing is the fact that through public solicitation the Negro father, his wife and children are invited to go up to a home and thereafter to be insulted solely on the basis of race.

So that what we are trying to do is to make an accommodation in light of the realities of the current legislative situation. But we were unable to do so. The amendment of the Senator from West Virginia, as modified, is, in my opinion, much reduced in scope from that originally proposed. It would, however, for the first time, introduce into the Dirksen substitute an additional category of possible exemption; namely, the nonowner-occupied single-family dwelling when not sold through a broker. The Senator from West Virginia, I, and others, have tried to develop ways strictly to limit that extension. Although various steps have been taken, I personally am not satisfied that we have been able to cut off all the possibilities for circumvention.

The Senator from West Virginia seeks to do so by limiting the scope of his exception to single-family dwellings, by limiting it to an owner who owns no more than three homes, by limiting it to sales not in excess of one for every 2 years, by counting within the limit of the three units of such sale not only property that in fact rests in the name of that owner, but also the property in which he has equitable ownership.

In my opinion, all of these efforts substantially restrict the impact of the proposal offered by the Senator from West Virginia. But, and I must be frank, I see no reason to do it. One of my colleagues said, "We have to get people out of this fix." I do not see it that way. I do not

see that we are granting anything or giving anything. We are merely removing from that transaction—and hopefully from the transactions covered within the scope of the Dirksen substitute—the right to deny someone the opportunity, along with all other Americans, to bid and be considered on the purchase of a home or on the rental of premises without regard to color.

So far as I am concerned, it makes utterly no difference that a broker is not used. It is still a public sale. It is still an insult. It is still discrimination. In my opinion, it is still a moral outrage. But, that decision has been made, and I fear that the additional step, although much reduced in scope, might contain—not through design of the author, but because we have not had time thoroughly to explore the matter—other possibilities for circumvention which we are unable to uncover on the basis of exploring it fully in the limited time we have now.

I express my great appreciation to the Senator from West Virginia for his almost unimaginable patience with me during this past day and a half. I know that I speak also for the other sponsors of the measure. But we must, reluctantly, oppose the amendment.

There is one other curbing feature, too, that I think we should explain; namely, that under the Dirksen substitute there is a definition of a person who is in the business of selling or renting dwellings. It appears on page 10 of the star print, and provides in subsection (c) that—

... a person shall be deemed to be in the business of selling or renting dwellings if—  
(1) he has, within the preceding 12 months, participated as principal in three or more transactions . . .

Mr. President, it is quite clear that this means where a person sells an owner-occupied home, not through a broker, three or more times in a single year—that is, keeps moving—so that he becomes, under the definition of this statute, a person in the business of the sale or rental of dwellings.

The subpart (2) puts a person in that category if he has, within the preceding 12 months, participated as an agent to sell someone else's home or to rent someone else's premises in two or more transactions.

The amendment of the Senator from West Virginia would, as it is presented, incorporate and be related to those two provisions. If someone were trying to conform to the terms of the amendment as modified by the Senator from West Virginia—to participate in the real estate business of selling or renting—I think the law is quite clear that he would, if he sold his own home three times or more in a single year, or rented someone else's premises, or sold someone else's premises more than twice a year, become a person in the business of selling or renting property.

This would prohibit sham or fraudulent transactions in order to evade the limits of the proposed amendment. But it is difficult to make certain that we have anticipated every possible way to avoid it.

Finally, we do not see any good reason

or justification, in the first place, for permitting discrimination in the sale or rental of housing. What we are saying is that the concept that the owner—on making a public sale, or the owner on renting a house—should enjoy the opportunity to discriminate against a fellow American solely on the basis of race, is something we find fundamentally objectionable. We cannot accept it. We oppose it. We admit that we have made some compromises. We do not want to make any more.

Mr. BYRD of West Virginia. Mr. President, I have attempted by my language to obviate the situation to which the Senator has referred, in which a real estate operator would attempt to utilize this language as a gimmick and sell house after house, or transact rental after rental, and thus circumvent the purpose and intent of the legislation.

May I say that my original amendment provided for one sale within a 12-month period; and after lengthy discussion with Senator MONDALE, Senator HARR, and the other Senators named, I yielded to the extent that I doubled that time period, so it is now a 24-month period as set forth in my amendment.

Mr. MONDALE. Mr. President, will the Senator yield—because what we are trying to get at, and I concede that it was at our request that it was changed, where he continues to be the owner of the property—

Mr. BYRD of West Virginia. Yes.

Mr. MONDALE. The Senator's idea was to make it financially impossible for a person to be in the business and do that. I admit the Senator did it at our suggestion.

Mr. BYRD of West Virginia. Yes. Also, at the suggestion of the Senator, I added this language, and I want to read it again, because, in my judgment, we are really splitting hairs if we think that, in view of this language, sham transactions could occur:

*Provided further,* That such bona fide owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. May I yield on the Senator's time?

Mr. BROOKE. Yes. Is it the Senator's contention that the words "bona fide" will eliminate the small builder or developer of housing who, under the Senator's amendment, would be able to, say, occupy one of the houses with his wife and son and daughter, both of whom were 21 years of age or over, and then to give a house to his wife and one to his son and one to his daughter, and then have them exempted so they could sell additional houses, and thereby still be in the business of selling and developing houses and be exempted from the discriminatory provision?

Mr. BYRD of West Virginia. That is precisely the kind of situation which I think would be prevented especially by the final proviso of this amendment. As

to the house in which he lives with his wife, he is the bona fide owner thereof; but this language would prevent him from having three houses in his name, three in his daughter's name, three in his son's name, and three in his wife's name and thus making an end run around the intent of the language.

Mr. BROOKE. I certainly applaud the distinguished Senator's intent to not include the end run, but what is the language upon which the Senator bases his conclusion?

Mr. BYRD of West Virginia. Again yielding on the Senator's time, if I may—

Mr. BROOKE. On my time.

Mr. BYRD of West Virginia. The language is as follows:

That such bona fide owner—

That is part of the language that I think would be preventive in nature—

does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement—

Any express or voluntary agreement, I repeat, between him and his wife, him and his daughter, him and his son—

title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time.

I cannot see how, with this language in the bill, and the delimiting language which is already in the Dirksen substitute concerning persons who are in the business of selling real estate, et cetera, that this language could possibly leave a loophole.

Mr. BROOKE. The donee of property can still be a bona fide owner; is that not true? If the property is given by the head of the family to his wife, his wife is still the bona fide owner of that property, even though she received that property by virtue of a gift rather than a purchase.

Mr. BYRD of West Virginia. But there would be reserved on his behalf by his wife the right to the proceeds, and this language obviates that.

Mr. BROOKE. The Senator means thereby that if the wife gets the proceeds, the proceeds are not really the wife's proceeds, but the proceeds belong to the husband?

Mr. BYRD of West Virginia. Mr. President, it seems to me that in such a situation his wife would be making a voluntary agreement with the husband to let him use these proceeds.

Mr. BROOKE. The Senator says the language prevents that situation?

Mr. BYRD of West Virginia. In my judgment, it does. I think this language is so tightly drawn that the Secretary of Housing and Urban Development, or eventually a court, if such a case reaches a court, would see through this kind of subterfuge and could get behind it. It is my desire and my intent, and as the author of the amendment I make this statement as a part of the legislative history, that the language be so interpreted that such a sham transaction could not be exempted. It is not the purpose of this language to permit one to do indirectly that which one cannot do directly.

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

Mr. BYRD of West Virginia. I yield.

Mr. MONDALE. Would the Senator include in his interpretation of the meaning of his amendment, interest held by an individual through a corporate structure or corporate structures, or could a person circumvent the meaning of the Senator's proposal by the creation of multiple corporate ownership?

Mr. BYRD of West Virginia. We are talking about private individuals, which, it seems to me, eliminates companies, partnerships, corporations, et cetera.

Mr. MONDALE. In other words, it is the Senator's interpretation of his amendment that a corporation—corporate ownership—cannot come within the meaning of his exemption?

Mr. BYRD of West Virginia. Absolutely, and in my original language I used the language "private individual." I do not know how that ever fell out of it.

Mr. MONDALE. May I suggest that it be put back in?

The ACTING PRESIDENT pro tempore. May the Chair inquire out of whose time the time for this debate is coming? The time of the Senator from Minnesota?

Mr. MONDALE. Yes.

Mr. BYRD of West Virginia. The Senator has used a lot more time. Let it be taken out of mine.

Mr. MONDALE. Yes.

Mr. BYRD of West Virginia. Mr. President, I would be willing, if I am granted unanimous consent to do so, to insert the words "private individual" preceding the word "owner". I ask unanimous consent to so modify my amendment.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the amendment is so modified.

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

It is very important, first, that we understand the limitations of this amendment. I am not for it, and I am going to vote "nay," but I think it is critically important, whatever the Senate does, that we know what we are doing.

As I understand it, this language would now apply to a private individual owner. It would not apply if that owner sought to sell property covered by the proviso to a broker or agent after December 31, 1969. It would also not apply if that particular owner was in the real estate business, as defined in subsection (c) of this very same section, on page 10, from line 10 to page 11, line 2. Finally, it would not apply unless it were a bona fide owner, a normal convenience proposition. This is what the Senator is trying to confine it to.

So there are three distinct exceptions: Selling through a broker or dealer; a person being in the real estate business himself, which disqualifies him as a person; and the other exception to which I have referred.

We worked with the Senator from West Virginia [Mr. BYRD], trying very hard to work out something.

It is my definite view that we have so eroded this section and so reduced its coverage that to have an open-ended proposition, the end of which nobody can anticipate, what we are really doing is opening another door, a way out of the

bill other than the terms of it already agreed on with Senator DIRKSEN, in my judgment, this is an open-ended thing, the end of which I cannot see nor can any of us. The Senator from West Virginia can argue that it is going to have a very narrow reach and that only a few people might be inconvenienced, but we just do not know. Under the circumstances of having the bill materially cut down anyhow, I deeply feel that if we want some kind of representative open-housing statute, we have to vote "No."

Mr. BYRD of West Virginia. Mr. President, in order to be absolutely sure that the owner is a private individual owner, I also ask unanimous consent to modify my amendment to delete the word "an" appearing on line 10 of page 9 of the Dirksen substitute and to insert in lieu thereof the words "a private individual."

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is so modified.

The question is on agreeing to the amendment, as modified, of the Senator from West Virginia.

Mr. MONDALE. Mr. President, we have now spent some time on the discussion of the technical details of this amendment. I think the discussion reflects the fact that it is difficult to know precisely what we are dealing with. The negotiations of the past day and a half were all directed at trying to understand the purposes and trying to limit the application in such a way that it could not be circumvented. What the amendment represents is the product of those efforts.

But the one thing that I want to make absolutely clear is that we do not believe that anyone selling or renting property to the public should be permitted to discriminate. We are opposed to all of that. We made certain compromises which are embodied in the Dirksen substitute. When fully effective, the Dirksen substitute will cover approximately 80 percent of the housing in this country. Our original proposal covered approximately 96 or 97 percent, excluding the famous "Mrs. Murphy." This would shave the exemptions further. We do not know by how much; it could be exceedingly modest. But we have no way of really evaluating that.

The fundamental point that we must make, the fundamental point that we want totally understood, is that we see no reason whatsoever for permitting an individual, directly or indirectly, to discriminate in the sale or rental of housing, or expanding these exemptions in any way.

There is another amendment that may be brought up. It would prohibit a broker from discriminating but would let the owner continue to discriminate. That still maintains the assertion of a principle that we find unacceptable. The idea that somehow from inclusion within the bill all kinds of dire consequences will follow does not stand examination.

The bill permits an owner to do everything that he could do anyhow with his property—insist upon the highest price, give it to his brother or to his wife, sell it to his best friend, do everything he could ever do with property, except re-

fuse to sell it to a person solely on the basis of his color or his religion. That is all it does. It does not confer any right. It simply removes the opportunity to insult and discriminate against a fellow American because of his color, and that is all. What we are determined to do is to remove this blight from American society.

Mr. ERVIN. Mr. President, the truth about the bill is that it gives to men of one race the freedom to deny to men of other races their freedom.

Mr. MONDALE. Mr. President, what the bill does is to make race irrelevant, which is the foundation of this country.

Mr. ERVIN. Mr. President, it does nothing of the kind. The whole bill is based on race. What is being done is to make race the central feature of the bill, instead of making race irrelevant.

Mr. HOLLAND. Mr. President, I yield myself 5 minutes, or so much thereof as I may need.

I think there is entirely too much talk about race and color and too little talk about individual rights. I myself have lived through two periods when my home was occupied by others. One was when I was serving 4 years as the Governor of my State, at its capital, when I was glad to lease my little home to one who was serving in the Air Force at a little airfield just outside my hometown.

Since that time, and since I came to the Senate, we have had one of our children there for 3 years, because of a critical situation in that family, and we have had another child there for 1 year.

Our house is not for sale, and never will be, Mr. President, as long as I live, because we have lived there for nearly 50 years. It is our home. Our children have been born there. We have added to it room by room as the children came along. We accumulated neighbors, some of whom came there because of us, we think. We live there in peace and harmony.

This is not solely a question of race. We would not sell to a convicted felon. We would not sell to a notorious gambler. We would not sell to anybody who did not conform to the high standard of morals and the high tone of the neighborhood where we live in our little home.

I see nothing wrong, either, about our remembering that right here in the Capital, in the legislative department, more than 500 Members of Congress are in somewhat the same situation, because most of us retain our homes back where we came from. How many thousands there are in other departments, I do not know, because I have no means of knowing. How many thousands there are in State capitals, serving in the same way, I do not know. How many hundreds of thousands there are in the Armed Forces and in the Foreign Service, the AID program, and other programs, who are away from home right now, I do not know. This is a confused and widely scattered Nation, and those persons have the right to rent their homes or to lease them.

We may not want to rent or lease our homes. Most of us do not want to do so. But hundreds of thousands of Americans, right now, who are away from home, do want to lease their homes and not lose

any rights in them, including the right to sell them to persons of their own choosing.

This is not a question of color. This is not a question of race. The fact is that there are such things as property rights and individual preferences of many kinds, but they seem to be forgotten because we have, just now, the fetish of trying to be a little fairer—and I hope we can lawfully be fairer—to a minority race.

We have overstated the question of color and race in the debate, and we have understated, in my humble judgment, the fact that there are such things as property rights, individual rights, and individual preferences when it comes to selling or leasing one's property, especially our homes.

An individual who owns a home owes a strong moral obligation to his neighbors and friends among whom he has lived for a period or for decades. I do not think we can ignore this fact.

I hope that the amendment of the Senator from West Virginia will be adopted, because I think it will take care of one difficult problem in connection with the general objectives of the bill.

Mr. BYRD of West Virginia. Mr. President, I want to be absolutely fair to the opponents of my amendment. I want to be certain in my own mind that the language will do what I think it will do and have said it will do or not do.

RESCISSION OF PREVIOUS MODIFICATION OF AMENDMENT NO. 579

Mr. President, I ask unanimous consent that my previous unanimous-consent request, which eliminated on line 10 of page 9 the word "an" and substituted in lieu thereof the words "a private individual," be vacated.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia. The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to the word "owner," which appears three times in my modified amendment, that I be allowed to insert the words "private individual" preceding the word "owner" in the first instance in which it appears; that the word "an" be deleted just preceding the second time the word "owner" appears, and that in lieu thereof the words "a private individual" be inserted; and that the words "private individual" be inserted just preceding the word "owner" the third time that word appears.

Mr. MONDALE. Mr. President, will the Senator withhold his request?

Mr. LAUSCHE. Mr. President, in the meantime, I ask for the yeas and nays.

Mr. BYRD of West Virginia. Mr. President, let me get my unanimous-consent agreement first.

Mr. LAUSCHE. Mr. President, I withdraw my request for the yeas and nays.

Mr. BYRD of West Virginia. Mr. President, this modification is to make it absolutely clear and to nail it down that the owner of the single-family dwellings must be a private individual owner, and not a person created by law.

The ACTING PRESIDENT pro tem-

pore. Is there objection to the request of the Senator from West Virginia?

Mr. MONDALE. Mr. President, reserving the right to object, is it the clear intention of the Senator from West Virginia to exclude clearly from the scope of this exemption in every respect corporate ownership?

Mr. BYRD of West Virginia. Yes, indeed it is.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The amendment is accordingly modified.

Mr. DOMINICK. Mr. President, I regret deeply being in opposition to my good friend, the Senator from West Virginia [Mr. BYRD], who I think has done a very fine job in the U.S. Senate. However, I must say that I can see no reason why we should say that the privilege of selling or renting property is any more important than the privilege to acquire property. It is the same privilege on the opposite side for any individual in this country. Whenever we say that for a certain reason a person can determine to whom he can sell, but in no case can he determine from whom he will acquire property, we have then created an inequity between two groups that I think is wrong. It is for that reason that I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified, of the Senator from West Virginia.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma [Mr. MONRONEY] is absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY] would vote "nay."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Nebraska would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is absent by leave of the Senate because of death in his family.

The Senator from Nebraska [Mr. CURTIS] is detained on official business.

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Rhode Island [Mr. PASTORE]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Rhode Island would vote "nay."

The result was announced—yeas 48, nays 45, as follows:

[No. 38 Leg.]

YEAS—48

Aiken	Gruening	Miller
Anderson	Hansen	Mundt
Baker	Hayden	Murphy
Bartlett	Hickenlooper	Pearson
Bennett	Hill	Prouty
Bible	Holland	Randolph
Byrd, Va.	Hollings	Russell
Byrd, W. Va.	Hruska	Smathers
Cannon	Jordan, N.C.	Sparkman
Carlson	Jordan, Idaho	Spong
Church	Lausche	Stennis
Eastland	Long, La.	Talmadge
Ellender	Magnuson	Thurmond
Ervin	Mansfield	Tower
Fannin	McClellan	Williams, Del.
Fulbright	McIntyre	Young, N. Dak.

NAYS—45

Allott	Harris	Montoya
Bayh	Hart	Morse
Boggs	Hartke	Moss
Brewster	Hatfield	Muskie
Brooke	Inouye	Nelson
Burdick	Jackson	Pell
Case	Javits	Percy
Clark	Kennedy, Mass.	Proxmire
Cooper	Kennedy, N.Y.	Ribicoff
Cotton	Kuchel	Scott
Dodd	Long, Mo.	Smith
Dominick	McGee	Symington
Fong	McGovern	Tydings
Gore	Metcalf	Williams, N.J.
Griffin	Mondale	Young, Ohio

NOT VOTING—7

Curtis	Monroney	Pastore
Dirksen	Morton	Yarborough
McCarthy		

So the amendment (No. 579), as modified, of Mr. BYRD of West Virginia was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUILDUP OF AMERICAN FORCES IN VIETNAM

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I hope I may have the attention of my colleagues.

The PRESIDING OFFICER. The Senator will please be in order.

Mr. FULBRIGHT. Mr. President, I do not wish to detain the Senate too long, but I wish to raise an issue. While it is not directly related to the business now before the Senate, I believe it is indirectly related to it. I had intended to wait until we had completed action on the pending bill, but it is taking much longer than the leadership or I had expected.

There are rumors—or more than rumors—I am quite certain from the news that has come to us through the press and elsewhere, that very significant decisions are being considered by the executive branch of our Government, decisions involving a major new buildup of American forces in Vietnam in the wake of our recent defeats and difficulties in Vietnam—not only a buildup of troops, but also there is the possibility of the extension of the war beyond the geographical limits of Vietnam.

I believe these pending decisions raise a basic and most important constitutional issue which must concern every Mem-