

Mr. JOHN B. ANDERSON. To me this is an awfully funny way to write the law. It seems to me that we ought to provide some positive incentive to the plaintiff in every instances to exhaust the conciliation procedure before filing the suit, but you have got it just backward. You said if you don't use the Office of the Secretary, if you insist on going in and filing the suit without first attempting conciliation, you may be able to get the court to appoint and pay for an attorney. Otherwise, you can't.

Mr. CELLER. Those very provisions were in the 1966 act.

Mr. JOHN B. ANDERSON. I didn't realize that they were in both acts. I can't understand why you would have that provision. It seems to me that the fellow who really ought to have the attorney appointed is the one who used the conciliation procedure and failed; he is going to be penalized in favor of the guy who just rushes into court and files a suit. What sense does that make?

Mr. CELLER. I take it that when he goes originally, and therefore the conciliation process fails and he brings suit, I think he is more or less confined to the issues that would develop in those conciliation proceedings if he takes that route.

Mr. JOHN B. ANDERSON. I don't find anything in the law that says that; the section requires that in his suit he would have to limit himself to the issues developed in a conciliation proceeding.

Mr. CELLER. I think that is what would happen from a practical angle.

Mr. JOHN B. ANDERSON. I still don't see that it answers the question that this fellow ought to be penalized and not have a court pay and appoint his attorney.

Mr. CELLER. If he feels he is penalized he can go directly at any time. He doesn't have to wait at all. He can go to court himself and bring the action.

Mr. JOHN B. ANDERSON. That is my point. Why should he get an attorney in that case, whereas he can't get one under the other section if he employs the conciliation procedure first?

Mr. CELLER. I take it that if he takes the route to HUD, in the event that the conciliation proceedings fail and he starts a suit, HUD undoubtedly will give him every aid, comfort and help.

Mr. JOHN B. ANDERSON. They can't pay for an attorney for him, though. There is no authority in the law that I know of for the Housing and Urban Affairs provisions to go out and furnish people lawyers.

Mr. CELLER. Not furnish lawyers, but advice.

Mr. JOHN B. ANDERSON. He is going to need a lawyer when he gets into court and files his action.

Mr. CELLER. He would have the advantage of undoubtedly the information and all of the matters that HUD may have developed and he could use that. Probably that that would be sufficient and he might not need to have a special counsel assigned to him.

Mr. JOHN B. ANDERSON. He is going to have to hire a lawyer, I would think, when he gets into court. I am trying to see if there isn't a chance that somebody is going to admit that the bill that the Senate wrote, some of it largely on the floor, isn't as wisely drafted as it should be. I don't know why we have to defend everything that they do over there.

Mr. CELLER. We passed a similar provision in 1966, though.

Mr. JOHN B. ANDERSON. Maybe we made a mistake back in 1966.