

Mr. O'NEILL. Then I would say the Massachusetts bill is more stringent than this bill, too?

Mr. CELLER. The Massachusetts is broader.

Mr. O'NEILL. That is all.

The CHAIRMAN. Mr. Latta?

Mr. LATTA. I have one or two.

It bothers me, Mr. Celler, about open housing as it affects the individual homeowner, and what it is doing to the rights of property as we have known it historically. You undoubtedly in your younger life have drawn many, many deeds in fee simple where you grant all the rights of title and interest to a certain piece of property.

Now, you are taking away, under open housing or forced housing, as some people call it, the right to grant, to bargain or sell that property because you are denying the seller under this legislation, the right to dispose of his property as he sees fit.

It seems that in all discussion on open housing this point is held in the background. It is trampled upon and not really discussed. I would like to hear a discussion on this point from you.

Has this ever been discussed in your Committee on the Judiciary?

Mr. CELLER. We did when we had the open housing provision in the 1966 act.

Mr. LATTA. How do you pass by it?

Mr. CELLER. We didn't pass by it. We debated on that question whether or not the right of property was interfered with, but you must remember that in many instances the State, municipality, interferes with the right of property, in connection with zoning laws. That, for example, in effect says you can't sell your property whether it is single family or duplex house, or a series of houses. If you violate certain laws concerning building construction, you are limited to the height of the building—

Mr. LATTA. Let me back up. I really didn't mean to say that you can't sell it. You are merely saying that through the police powers they have put on these restrictions on zoning.

Mr. CELLER. That is a limitation on the right of property.

Mr. LATTA. But owners still have a right to dispose of that property?

Mr. CELLER. That is right. But we have certain health laws which limits very severely the right of property. We have various types of welfare laws.

Mr. LATTA. I understand all that, Mr. Celler. Let me direct your attention to the question I raised. On the disposing of property, the granting of a fee simple title to property. I think this bill makes a massive attack on the fee simple interest that a person has on a piece of property and his right to transfer or sell it. This is what I would like to direct your attention to. We are well aware of zoning regulations and so forth.

I am talking about the right to dispose of your title of the property.

Mr. CELLER. There are many, many State laws which have been upheld by the courts which preclude the sale of property, whether it is single-family houses or other types of dwellings, if the seller has discriminated on the basis of race, color, or creed.

For example, Colorado has an open housing statute. In the case, of *Colorado Anti-Discrimination Commission v. Case* (380 P. 2d 34 (1962)), involving the sale of a privately financed house by a realtor-