

owner. Also, *New York State Anti-Discrimination Commission v. Pelham Hall Apartments* (10 Misc. 2d. 334, 170 N.Y.S. 2d. 750 (Sup. Ct. 1958)), upheld the validity of that State's antidiscrimination laws that applied to publicly assisted housing. *Martin v. New York* (22 Misc. 2d 389, 201 N.Y.S. 2d 111 (Sup. Ct. 1960)), upheld the validity of the New York City fair housing ordinance as not being a deprivation of landlord's right to exercise discretion in the approving or disapproving applicant for tenancy.

In New Jersey, for example, *David v. Vest Company*, (45 N.J. 301 (1965)), and so forth. There is a whole series of cases. I will be glad to put them in the record covering about a dozen States where the fair housing laws have been held valid exercises of the police power, having the purpose of health, safety, and welfare of the people, and do not deprive an owner of any property rights.

Mr. LATTA. Let me say I am familiar with that. We have State laws. That is not the question. The question is, I want the reasoning behind your position, not the fact that they have passed State laws. We know that. We have a State law in Ohio. I want to know the reasoning behind this. Certainly there ought to be some kind of legalistic reasoning coming out of the Judiciary Committee on this point.

Mr. CELLER. The reasoning would be in that last sentence I read, which comes out of a case decided in Ohio. I will be glad to read the whole case, if you wish. Porter against the City of Oberlin. Upheld the Oberlin, Ohio, city ordinance against challenge by taxpayer alleging unconstitutionality of the ordinance. It was upheld as having "a substantial and reasonable relationship to the health, comfort, safety, and welfare of the city." That is the reasoning of the court.

Mr. LATTA. What does that have to do with this? The health and safety of the community is protected by taking away your right to dispose of your property to whom you see fit? How can you possibly reason that this has got something to do with the health or safety of the community just because they have had riots some place? Is that what you are talking about? You take away a citizen's rights because of riots?

Mr. CELLER. One of the underlying purposes of fair housing is to open the gates of the ghetto. That certainly involves the safety, the health, and the welfare of the community wherein lies the ghetto. You have in addition the question of people's protection. Why shouldn't a purchaser have the same right as any other purchaser? If he is denied that right he hasn't got the equal protection of the law.

Mr. LATTA. Let me just point out something. I can follow your reasoning, legalistically. I voted for civil rights bills. When it comes down to this matter of personal property, you know, I am trying to bring myself to some kind of a reasoned conclusion, maybe to be on your side, on the side of open housing—but you haven't convinced me yet. I can, if you are going to get a license to operate a place of business, it is going to come from the State. I can follow that. I can follow it where you are putting in Federal funds for public housing. But here a John Doe who has had his piece of property for 50 years, not one lead nickel of Federal, State, township, or any other public funds having gone into it. This house contrary to what you mentioned about being built through the medium of interstate commerce, this