

in order to sell a house that a man could advertise. I have been told by the Department of Justice that he could advertise, that is, that he could advertise his home and not be in violation. Is that right?

Mr. CELLER. Yes.

Mr. SISK. In the course of that advertising, of course, he would probably describe the home, say whatever he had in mind, and then say "For sale by owner." Is that right?

Mr. CELLER. I think that would be perfectly proper.

Mr. SISK. I think this will come to be recognized probably as a tagline meaning, that when you go through the ads advertising homes, that a sale by an owner means that in all probability this could have, let's say, certain implications. Let's say that he proposed to discriminate. At some point in legal parlance would that become, let's say, discriminatory advertising?

Mr. CELLER. I don't think so.

Mr. SISK. Do you follow me?

Mr. CELLER. Yes.

Mr. SISK. This is a question that an attorney raised with me.

Mr. CELLER. In other words, you feel if he uses words of that sort, it might be tantamount to something in the nature of discrimination.

Mr. SISK. It would come to be considered by the public as meaning that that advertisement meant that this individual was selling a home in an area where generally, let's say, it was an all-white neighborhood.

Mr. CELLER. This prohibition is against discrimination because of race, color, creed, or national origin, and the burden of proof is upon the man against whom the discrimination is leveled. He has to prove it. The owner doesn't have to prove anything. The man who makes his complaint who has been discriminated against has the burden. I am quite sure that you couldn't say that that practice that you speak of was tantamount of discrimination.

Mr. SISK. As I said, I can see growing up the practice of advertising homes "for sale by owner," or some other terminology. That then becomes the meaning above and beyond what is meant, then in legal terminology, in a situation where that would come to be considered discriminatory by its very use.

Mr. CELLER. I don't think you have any fear on that score because this statute provides for sanctions and will be precisely and exactly construed. There cannot be any inferences as broad as the one you have indicated.

Mr. SISK. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Young, do you have any questions?

Mr. YOUNG. Mr. Chairman, I have questions.

I want to ask Chairman Celler further about a matter that we have been discussing with regard to the authority under this law for an individual owner to dispose of his property as he sees fit.

As I understand it, there is no restriction on the individual selling the property?

Mr. CELLER. That is right.

Mr. YOUNG. I have gotten a great deal of mail—I am sure that other Members of Congress have—completely aside from the question of civil rights, from real estate people who feel grievously offended that they have been selected by definition as the whipping boy in this thing.