

In other words, the question they put to me, and I am sure to others, is that all the real estate people are asking is that they have a right to represent the owner to do whatever the owner can do with that property. This is a hard question to answer.

Mr. CELLER. Those real estate people are subjected to these statutes, restricted statutes, that are in 22 States and in almost half the States of the Union. I would say in States with the prepondering number of people, most of the populous States have fair housing statutes.

Mr. YOUNG. That is interesting, Mr. Chairman, but I personally didn't have to face the issues in those States. I don't know what they did nor why they did it. I know if and when this bill gets to the floor that each of us individually is going to have to face that issue. It seems to me that whoever wrote this could have gone further and put it in the category—

Mr. CELLER. I think I said in the earlier part of my statement the effect of the single-housing exemption in H.R. 2516, the exception of single-family housing preserves to the individual homeowner a significant amount of discretion to discriminate if he so chooses in selling or renting his personal dwelling. However, by restricting the exemption to individuals and by prohibiting discrimination by brokers in all cases except the Mrs. Murphy situation, several real advantages are obtained. First, I believe the proposed statute will be more easily enforced since the lines between the exempt housing and covered housing are made more clear. In our 1966 bill discriminations might or might not be authorized by a seller so that even in the case of sales by real estate agents, a potential buyer or lessee could not know whether or not a refusal to deal with him was covered by the statute.

Secondly, H.R. 2516 "authorizes" no discrimination. All it does is to exempt certain types of dwellings. In this respect it resembles State fair-housing statutes far more than did the 1966 bill. This bill prohibits discrimination by real estate dealers in 1970 in virtually all cases because it is believed that when an individual uses the real estate industry to effect a sale the transaction has assumed a public character.

Third, the 1966 bill might have had the effect of encouraging real estate dealers to continue discriminating and to seek "authorization" to discriminate for their clients. Although the 1966 bill did prohibit soliciting such written authorizations there can be no doubt that—covert communication, for example, raised eyebrow, or other indirect means would be encouraged by such a provision.

In other words, the 1966 bill created a loophole.

Mr. YOUNG. That is very interesting, Mr. Chairman, but I still come back to this. I am talking about a hypothetical real estate man who is not interested one way or the other in civil rights. All he wants to do is to be able to do whatever the owner is entitled to do under this act. It seems to me, Mr. Chairman, that the Senate, or whoever wrote this bill, could have come closer to the public character of the real estate man if they had permitted the owner to use a single real estate man and had made the breaking point at multiple listings, or something along that line.

Mr. CELLER. May I just say that upon enactment, and in the year 1969, they can use a real estate man to discriminate. Only afterwards they cannot.