

to State action rather than to individual citizen action. I am wondering whether or not the Supreme Court had ruled on this question of open occupancy as far as the individual homeowner is concerned.

Mr. WHITENER. My reference is to title I, not to open housing.

I might give you another outstanding authority which I see here before me. In *Peterson v. The City of Greenville*, 373 U.S. 244, a case decided in 1963, the Chief Justice had this to say, and I quote:

I cannot be disputed that under our decisions private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it.

That is what Chief Justice Warren says about it. In the light of that, I am wondering how we as Members of the legislative body can contend that for some strange reasons that we should create exclusively a Federal offense if one interferes with, because of color, religion, or national origin, persons serving or attending upon any court in any State in connection with the possible service as a grand or petit juror. Nor do I see how we find authority to say that in a water district election in North Carolina or any other State, that if some individual walks in from the bar, the corner bar, and interfered with the right or the privilege of one to vote, or qualifying to vote, or if he walked in where I was making a campaign speech and said that I was a honky, that I ought to sit down, and that he is going to take some violent action. I just don't believe that the 14th amendment gives the Federal Congress the right to vest exclusive jurisdiction in the Federal courts of that type of offense.

I won't comment about the Indian titles because, frankly, I am not too familiar with those titles. My distinguished senior Senator from North Carolina is the father of these sections of the bill. While I am not disinterested in the Cherokee Indians, Lumbees, Croatans or the others that are in North Carolina, I have not had occasion to know about the problems which Senator Ervin seeks to eliminate by the Indian legislation.

I do understand that some of the members of the House committee which has jurisdiction over the Indian affairs, have expressed some dissatisfaction with this legislation dealing with the Indian, and feel that it is a matter that should be studied by that committee.

The fair housing titles, you have heard a great deal about. I will not try to pose as an expert on them. But basically, I think it is offensive to all Americans to have anyone interfere with their right to own and dispose of property. I think this is offensive equally to persons of different color, religion, and national origin. I don't believe any of us would argue that there is any difference in our feeling about property we own.

In my own community where we have not been as concerned, apparently, about where people live as they have been in some other areas, we recently had an occurrence which pointed out to me members of other races are proud of their property and feel that they should be protected in it. In the past few days the local housing authority has proposed to build some low-cost housing near a subdivision which was developed immediately after World War II by some of our Negro friends. They built very attractive and expensive homes. They are now contending very strongly against the action of the hous-