

chairman of the committee very kindly recalled that I had some small part in the formulating of the language of the previous bill on this subject, and our thought in the language that we adopted in the Judiciary Committee at that time in the last Congress and which was subsequently adopted by the whole House was to analogize this problem to the problem of wage and hour laws, that if a person was in business to the extent that they become a part of the stream of commerce affecting the whole economic structure and social structure of the country; then you have to pay a certain minimum wage.

And on that same kind of a theory, we believed that if you were enough in business to have an appreciable effect upon the commerce of real estate that you could be covered by the act. Now, obviously this is not an arbitrary matter. I think this is a matter of judgment. It is like a question in the wage and hour field.

I supported the old Kitchin-Ayres amendment which went to the question of what constitutionally affected commerce rather than a dollar standard. But honest men can disagree with this, and I simply analogize this to that particular situation. I think you can develop standards without being moral or immoral, without making this cutoff.

The CHAIRMAN. Mr. O'Neill?

Mr. O'NEILL. No questions.

The CHAIRMAN. Mr. Martin?

Mr. MARTIN. No questions.

The CHAIRMAN. Mr. Quillen?

Mr. QUILLEN. If your bill in 1966, your housing provision, was right and now the Senate has modified that language, do you admit that you were wrong before?

Mr. MATHIAS. I think what I have said to Mr. Anderson about that is it is a slightly different pegging of the point at which you start your coverage.

Mr. QUILLEN. Under your measure the real estate dealers were excluded?

Mr. MATHIAS. Under the House-adopted bill, the individual who did not engage in more than two real estate transactions within a given period of time could act without the coverage of the law, whether he acted personally or through an agent.

Mr. QUILLEN. I certainly don't want to question your judgment. But let me ask you this question: What is the percentage of Negro population and Indian population in your district?

Mr. MATHIAS. It is appreciable, but not large. In one of my counties, there is not a single resident. In the next one—if you want me to go through it county by county, I will.

Mr. QUILLEN. No. Do you have any Indians?

Mr. MATHIAS. I am sure there are a few around, yes. We have the Piscataways in Maryland, and the Patuxents, and some others.

Mr. QUILLEN. Do you think their treaties, treaties executed by this Government with the Indian nations, should be respected?

Mr. MATHIAS. Well, as I say, I am very much influenced by our friend and colleague Mr. Reifel, who is coming before you, and I would really like to defer any questions on that to his testimony.

Mr. QUILLEN. In your statement in the beginning you said that the passage of this measure would do a lot of good. But on the other hand,