

Mr. MACGREGOR. Yes; and those that I deem to be individually written, other than just taking the phrases that may be in the national trade publication, say to me, "Clark, we would prefer to see the bill expanded so as to cover individual sales by individual owners."

Mr. ANDERSON. I have raised that point a number of times, I don't want to belabor it, but I have raised that very point with a number of witnesses, Mr. MacGregor, that we have a moral principle involved here and are seeking to implement it.

It seems to me very inconsistent on moral grounds, and I would think maybe on legal grounds, if we in effect exclude the private homeowner who discriminates providing he doesn't sell with the services of a realtor, and goes ahead and discriminates with complete impunity.

Mr. MACGREGOR. I agree wholeheartedly.

Mr. ANDERSON. But you don't feel a conference committee would do much to solve that difficulty?

Mr. MACGREGOR. No; I do not in light of our 1966 debate in the House. I take the same position here that I took then.

Mr. ANDERSON. You think I may be a little naive to cherish any illusion of that kind, that we could work out a provision whereby we could make it across-the-board?

Mr. MACGREGOR. I think it is unlikely, Mr. Anderson.

Mr. ANDERSON. This section on preemption, on the last page of the bill, section 233 of the chapter on civil disorders, that section applies only to chapter 12, doesn't it?

Mr. MACGREGOR. That is my understanding.

Mr. ANDERSON. Then I am a little bit concerned on this subject. Where do we get the notion that if a State or a village or municipality has a law that is as broad or broader than the Federal statute, that by the doctrine of preemption, those statutes will prevail over any Federal statute. Is this just some general doctrine of preemption we rely on? There is nothing in the law itself that says that, is there?

Mr. MACGREGOR. Let me review once again page 42, section 815:

Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State or of any other jurisdiction in which this title shall be effective that grants, guarantees, or protects the same rights as are granted by this title, but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing provision under this title, to that extent would be invalid.

Mr. ANDERSON. I see. Section 815.

Mr. MACGREGOR. Yes. The principal thrust here is similar to the thrust of our 1966 House bill, in which we wished to indicate that State and local law shall be given predominant attention, unless that State or local law permits or compels discrimination.

Mr. ANDERSON. Let me go back very quickly, Mr. Chairman, and ask one more question.

I know there are many in the real estate fraternity who would like very much to see a conference committee come up with a provision in this bill which would provide, as I believe was done in the 1966 title IV of the Civil Rights Act, that an individual homeowner could avail himself of the service of a realtor and then proceed to issue orders that that realtor discriminate with respect to the sale of that housing providing that such instructions were in writing. This I believe was in the 1966 act. Am I correct?