

Mr. MACGREGOR. I would say that is a fair analysis of the Mathias proposal in the 1966 act.

Mr. ANDERSON. What do you think the Supreme Court of the United States would decide, assuming that a case could be—and I think it could be—brought to adjudicate the constitutionality of a section of law like that? What do you think the Supreme Court would say?

Mr. MACGREGOR. I wouldn't presume to hazard an opinion as to what the Supreme Court might do. I would be pleased to give you my own view.

I expressed opposition in the Judiciary Committee in 1966 during committee deliberation and later in the House of Representatives to the very points you now raise in connection with the Mathias proposal, or the 1966 open-housing section of the House bill. I had serious reservations on the constitutional question at that time. But I will say to you that my principal objections had to do with a distinction which I put on moral grounds.

Mr. ANDERSON. But don't you really feel on the basis of *United States v. Guest* and other cases that have indicated the scope of the 14th amendment is now sufficient to reach private acts of discrimination, that on the basis of that language in that case, it is almost a certainty that the Supreme Court would invalidate statutory language which purported to put a legislative seal of approval on that kind of discrimination?

Mr. MACGREGOR. I don't know that it is a certainty. I would think it is a likely possibility.

Mr. ANDERSON. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Madden.

Mr. MADDEN. Well, I have no questions outside of the fact that so much emphasis has been—by the way, I want to commend the gentleman for his statement which he made here today.

Mr. MACGREGOR. Thank you, Mr. Madden.

Mr. MADDEN. So much emphasis is put on the mail you are getting from the real estate fraternity. Had this bill been disposed of when it first came in before the Rules Committee, the real estate fraternity, which is probably one of the most highly organized and well-financed organized lobbies in the United States, in my State had the telephones burning, having everybody they could get to write a letter to their Congressman and other Congressmen. I know in my areas there is a special office set up just to send mail in and it is fed by propaganda and urging from the real estate people, who are hand-in-glove with the real estate organizations, to defeat this bill.

So, as far as mail is concerned, even with the lobby, I have probably gotten more mail to get this bill disposed of and signed into law, 2 to 1, than the real estate lobby in Indiana have been able to get into my office, and they sent in quite a few letters.

So the real estate lobby just got to work on this bill when they saw there was a possibility that finally after a year or more delay, inexcusable delay, the bill finally is coming to the threshold of passage. After this long wait.

And when you talk about unfairness, don't you think it is unfair when a bill, after it passed this House, went over to the other body and practically through unfair legislative tactics, filibusters and delays, and all the unfair impediments possible did not come back to