

posal as you have before you would be declared unconstitutional before the sun sets today. Courts have held, time after time, that the Federal Government has no place meddling in the private business transactions of individuals.

In a decision upheld by the Supreme Court itself, the Second Circuit Court had this to say :

We had supposed that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased and that his selection of seller and buyer was wholly his own concern. It is part of a man's civil rights.

Gentlemen, I would like to repeat that phrase if I may :

It is part of a man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice or malice. We have not yet reached the stage where the selection of a trader's customers is made for him by the government. (227 Fed. 2d Circ. Upheld.)

We could search court decisions from now until adjournment and not find a more pointed refutation of every specious argument which is being made in favor of this unfair housing proposal.

How prophetic that the Court should use the phrase "not yet reached the stage." This was the Court's judgment in 1915 when this decision was made. Now in 1968 the House is being asked to declare that the Federal Government has reached that stage; that traders can no longer enjoy the privilege of choosing their customers; that they must be directed by a faceless bureaucrat from Washington.

I cannot believe that there is a Member of either body of the Congress who does not truly know in his conscience that in advocating passage of this measure he is taking part in the stripping away of one of the basic privileges that have distinguished Americans from those who live in totalitarian countries.

When you tell an American that he cannot sell his home to X; that he has to sell it to Y or A instead, you have struck at the very taproot of freedom. If the Federal Government thrusts the nose of the camel under the tent, if the legislative precedent is established that the Federal Government has the right to take any part in such a private transaction, then we are not a legal inch away from the proposition that this same Government can dictate what price can be charged, when a house can be sold or if a house can be sold.

Gentlemen, I want to read to you from page 29 of the bill, beginning with line 4, the section entitled "Discrimination in the Financing of Housing," and listen to me carefully, and tell me what this section says. I say to you that this section says that a man who lends money for real estate transactions cannot even refuse to make a loan, not based upon discrimination because of race, color, religion or national origin or that sort of thing, but he is denied the basic right to even refuse to make a loan.

Listen to it, gentlemen, and tell me if this is not what it says.

Section 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling.