

TO PRESCRIBE PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION

TUESDAY, APRIL 9, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C.

The committee met at 10:50 a.m., pursuant to recess, in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will resume its consideration of House Resolution 1100 and House Resolution 1118, the so-called civil rights bill.

Mr. Wiggins, I believe you would like to make a presentation.

STATEMENT OF HON. CHARLES E. WIGGINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. WIGGINS. Yes, Mr. Chairman.

Mr. Chairman and members of the committee, I first thank you all for the privilege of offering my testimony on this bill, H.R. 2516.

My testimony shall be confined to titles I and VIII of the bill. It is not my purpose to comment upon the need, if any, for this legislation, nor the moral issues which may be involved and which others have raised. My remarks will be addressed only to the constitutionality of the two titles.

The tragic events of the past few days have no legal relevancy on this constitutional issue.

Mr. Chairman, the most important single fact is that we are discussing Federal legislation. Our Federal Government possesses no general police power jurisdiction to do whatever may seem reasonable and necessary to protect the public interest. General governmental powers of this sort are reserved to the States.

State governments may, and have, enacted open housing laws without serious constitutional challenge. I am personally unaware of any constitutional bar to the enactment of a carefully drawn open housing law at the State level.

But to concede the power to act on the part of States is no admission that such power exists at the Federal level. This is what the federal system is all about.

Further amplification on the point should be unnecessary. I am sure that every member of this committee agrees with the elementary proposition that the Federal Government possesses only limited, enumerated powers as a starting point for a discussion of the constitutional issues.